

Developing and Implementing a Drug Treatment Court in Michigan



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Michigan Supreme Court
State Court Administrative Office**

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What Are Drug Treatment Courts?

Drug treatment courts (also known as specialty courts and problem solving courts) use a therapeutic approach to address the substance use disorders of nonviolent offenders. The underlying belief in this approach is that drug and/or alcohol addicted offenders are likely to reoffend unless they are equipped with the skills to address their substance use disorder. Drug treatment courts are unique because a team of professionals attend to the offender's substance use disorder through treatment, intensive judicial supervision, incentives, sanctions, drug and alcohol testing, links to ancillary services addressing educational barriers and employment needs, and other individualized services. In addition to the offenders' personal motivation to improve health and quality of life, many court programs provide a legal incentive, often a deferred judgment of guilt or delayed sentence, to encourage participation in the programs. For specific information regarding drug treatment courts in Michigan, see appendix A, the enabling legislation, or follow this link to drug court information on the Michigan State Court Administrative Office website (<http://courts.michigan.gov/scao/services/DrugCourts/DrugDWI.htm>).

Assessing Need, Capacity, Community Resources, and Staffing

Many drug courts are implemented to reduce docket crowding, to reduce jail bed days utilized by drug/alcohol offenders, to reduce recidivism among this population, and to address low treatment retention rates. Therefore, a first step may be to determine if these problems exist in your jurisdiction. This may require referencing caseload reports to determine what percentage of your caseload is occupied by repeat drug/alcohol offenders, examining your local jail's booking information, and analyzing probation violation statistics.

While compiling these numbers, pay special attention to the specific types of offenses or offender characteristics that are most common as this will likely become your target population. Some drug courts focus on specific offender characteristics such as juvenile courts, adult courts, men's courts, and women's courts. Others focus on specific offenses such as DWI courts and family dependency courts (although all drug treatment courts are limited to drug and alcohol offenses or offenses related to substance use disorders such as breaking and entering for the purpose of obtaining drug money). Also, to determine a caseload estimate for your program, note the number of offenders who would be eligible for the program.

Your drug court team will need to come to an agreement with representatives of the prosecutor's office early in planning your program. It is essential to have the prosecutor's office in support of the drug court program and for the team to have an understanding of the types of cases that will be considered for eligibility. This understanding should be documented in the team's Memorandum of Understanding pursuant to MCL 600.1062.

Considering community resources at this step will be beneficial. Does your community have a twelve step support group? Are there specific support groups for men, women, different religious backgrounds, users of drugs other than alcohol, or other diversity-oriented groups? Is there a variety of treatment providers and types of treatment available ranging from services for

those that need residential treatment to those that need outpatient treatment? Is there a GED program or are there vocational classes in your community?

Considering your staffing needs early in the planning process will also be helpful. Will you need to hire a new staff member to be the program coordinator? Who will provide case management? Will staff need to be trained on delivering assessments that will determine an offender's level of addiction and needs? Will you contract with treatment providers as allowed by MCL 600.1063? How will these positions be funded? Will participants be required to pay part or all of their treatment and drug testing costs?

Assembling the Team

The following individuals should be approached as members of your team:

1. Judge(s) (note that it may be necessary to obtain support from other judges in the jurisdiction as well)
2. Program coordinator
3. Case manager(s) and/or probation officer(s)
4. Representative of the prosecutor's office
5. Representative from the defense bar
6. Treatment provider(s) and/or treatment agency(ies)
7. Representative(s) of local law enforcement
8. Representative(s) of local substance abuse coordinating agency
9. Representative(s) of local services such as Michigan WORKS!, GED programs, transportation services, etc.

While it may be the case that these individuals do not attend staffing meetings or court sessions, having the support of these individuals is critical to the success of your program.

Drafting the Memorandum of Understanding (MOU)

A memorandum of understanding (MOU) describes the roles and responsibilities of each team member of a drug court program including, but not limited to, prosecuting attorney, judge, defense attorney, and treatment providers. A memorandum of understanding among these key team members is required by MCL 600.1062. You will need to decide to use a single MOU signed and dated by all team members or separate MOUs for each team member. The duration and terms of the MOU should be included. Sample MOUs can be found in Appendix B. It may be beneficial to document which team member is responsible for updating and inputting each section of the required minimum standard data set entered into the Drug Court Case Management Information System (DCCMIS). For example, will treatment providers enter data about treatment sessions and treatment compliance directly into DCCMIS or will they mail it to the court and depend upon the court to enter it? A copy of the minimum standard data is available in Appendix C and on the State Court Administrative Office website at: <http://courts.michigan.gov/scao/services/DrugCourts/MinimumStandardDataReformattedAdult.pdf>.

Local Administrative Orders (LAOs)

A trial court may issue a local administrative order (LAO) that governs the internal management of the court. The State Court Administrative Office (SCAO) has model LAOs for each type of drug court available on their website to assist courts' compliance with MCL 600.1060 et seq. (i.e. 2004 PA 224 - Michigan's drug court legislation) (<http://courts.michigan.gov/scao/resources/other/lao.htm#dtc>). A copy of the model LAO for an adult treatment court is included in Appendix D.

Training

Any drug court program wishing to apply for funding through the Michigan Drug Court Grant Program (MDCGP) will need to show proof of attending the Drug Court Planning Initiative (DCPI) training sponsored by the National Drug Court Institute (NDCI). For more information about this training, visit <http://www.ndci.org/about-ndci/training>. Training is also provided by the National Association of Drug Court Professionals (NADCP), the Michigan Association of Drug Court Professionals (MADCP), and through the State Court Administrative Office (SCAO). MADCP hosts an annual two-day conference consisting of plenary speakers, multiple tracks of break-out sessions focusing on a wide variety of specialized training topics, and the latest in research and best practices.

Planning Your Program

Referral

Potential drug court participants must be identified in your general population of offenders. The referral process is a cursory examination to determine that an offense is one that is eligible for the program and that the offender fits basic program criteria such as age and residency requirements. Checking the Law Enforcement Information Network (LEIN) may be necessary at this point or may happen during screening. An individual or multiple individuals must be designated to identify offenders who may be appropriate for the program and a system for referring those identified to the screening step must be established.

Screening

Although a drug court candidate's offense may be compatible with the eligibility guidelines for your program and he or she may fit with other basic requirements of eligibility, the offender may not be suitable for your program. The screening process will assist your team in narrowing the pool of candidates to those eligible and appropriate for your program based upon their needs and the services your program offers. Although not as comprehensive as an assessment, screening involves interviewing the candidate to determine if there is an alcohol or drug use problem or mental illness and that the offender meets the program's legal eligibility criteria. If your program excludes offenders with severe and persistent mental illness, proper screening will help to identify these individuals. Many programs utilize a formal screening instrument. A list of screening instruments and resources recommended by the National Drug Court Institute is included in Appendix E. Your program will need to designate a team member to conduct the screening and if a screening instrument is utilized, this team member may need to

be trained in administering the instrument. This is also a good time to gauge the candidate's interest in the program and to explain the program to him or her.

The screening process can be an ideal time to develop a comparison group to measure your participants against. You may choose to create one comparison group of all individuals who met the basic requirements of your program but were found ineligible upon screening, or you may choose to create multiple comparison groups, each specific to the reason the individuals were not admitted to your program. The latter of these options will require a large number of participant referrals and, therefore, is particularly well suited to large programs. All individuals referred to screening must be entered into the statewide Drug Court Case Management Information System (DCCMIS) and those not accepted into your program can be maintained as comparison group participants within the database.

Assessment

While a candidate may seem appropriate for your program based upon screening information, if the candidate does not have a substance use disorder, he or she is not a drug court candidate as defined by MCL 600.1060(c). Drug abuse or dependency is a requirement of participant eligibility pursuant to MCL 1060(c) and 1068(a). Your program will need to determine what assessment instrument or method will be used to determine a Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) diagnosis and who will perform the assessment. This may require determining necessary licensure for the assessment and hiring or contracting with a licensed professional. A list of assessment instruments can be found in Appendix F.

Your team will also need to utilize an assessment tool that will determine what type of treatment individual participants will receive. Nationally, the American Society of Addiction Medicine (ASAM) placement is the most commonly used set of guidelines for placement of substance use disorder patients. ASAM provides five levels of care ranging from early intervention to medically-managed intensive inpatient treatment and recommendations for staffing, settings, and other treatment-related considerations. For more information about ASAM, visit <http://www.asam.org>.

A criminogenic needs assessment should also be conducted before admission. The National Association of Drug Court Professionals (NADCP) published *Principles of Evidence-Based Sentencing and Dispositional Reform*. In this publication, NADCP discusses the importance of identifying criminogenic risk and psychosocial needs of offenders and using this information to build an individualized drug court plan. Some of the high risk criminogenic factors include young age at time of treatment, early onset of substance use and delinquency, previous criminal activity, and prior unsuccessful treatment attempts. High risk psychosocial factors include compulsive addiction to drugs or alcohol, mental illness, chronic medical conditions, and illiteracy. Research has shown that high criminogenic risk and psychosocial needs individuals require a more intensive treatment program to achieve success. However, subjecting low risk and low needs individuals to the same intensive treatment can be ineffective or even harmful to drug court participants. Additionally, it utilizes scarce resources in a counterproductive manner. Hence, NADCP made the recommendation that programs keep high-risk and low-risk offenders in separate tracks or separate programs to avoid exposing low-risk offenders to antisocial peer influences or worsening their prognosis.

A popular assessment tool is the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS). COMPAS assesses risk and needs factors in correctional populations and aids staff in determining how to place offenders in the community. COMPAS also assists drug courts in designing case management support systems for offenders. For more information about COMPAS, visit <http://www.northpointeinc.com/software.aspx>.

Admission

Admission decisions are usually a collaborative effort involving input from the judge, case managers, treatment providers, prosecuting and defense attorneys, and any other team members who have had contact with the candidate. The judge and prosecutor should collaborate to establish the admission criteria, which includes legal and clinical eligibility. The prosecutor is the gatekeeper for admission into the program based on the legal eligibility criteria; however, the judge makes the final decision to accept the participant into the program. Admission should be in the best interest of the candidate and the best interest of the court. Once an admission decision has been made, admitted participants may be granted formal admission at a drug court review hearing. Remember that candidates denied admission can be monitored in a comparison group through the Drug Court Case Management Information System (DCCMIS).

Your team will have numerous documents to provide new participants. First, all participants will need to read and sign a consent form waiving their right to attorney representation and agree to follow program rules. A sample form can be viewed in Appendix G. All participants should be provided a copy of the relevant sections of Health Insurance Portability and Accountability Act (HIPAA) and relevant sections of the Code of Federal Regulations (42 CFR Part 2). To facilitate communication among team members regarding substance abuse treatment information, participants will need to waive their confidentiality rights. A waiver for drug courts has been developed by the National Drug Court Institute¹ and can be found in Appendix H. If your program has developed a participant handbook, incentives and sanctions chart, has rules about appropriate courtroom attire and demeanor, gives appointment books to participants, or supplies participants with an address book/telephone number information sheet, these items should also be distributed at admission.

Treatment

Programs vary with regard to the expected time frame between admission and the participants' first substance use disorder treatment session. An achievable goal is to set this time frame at a two week maximum. The type of treatment that is appropriate will need to be determined by treatment professionals and/or the use of a placement instrument such as the American Society of Addiction Medicine (ASAM) placement guidelines. An individualized treatment plan should be developed for each participant. Research shows more favorable outcomes for individuals who spend more time in treatment (National Criminal Justice Association (NCJA), 1989)². Given that treatment modalities are determined by participants' individual needs, it is important to ensure that there is a wide variety of treatment types available

¹ <http://www.wvpds.org/Drug%20Court/Federal%20Confidentiality%20Section%207.pdf>

² National Criminal Justice Association. 1989 January. *Treatment Options for Drug-Dependent Offenders: A Policy Overview*. Washington DC: Bureau of Justice Assistance.

in your community and that your program accepts participants with needs that can be met by the types of treatment available.

Program and Phase Length

Your team will need to develop program and phase requirements. The program should have a minimum and maximum length. Adult and DWI programs often set their maximum at 24 months (the statutory maximum for district court misdemeanor cases) with a minimum near 12 months. Variation in program length is the result of program sanctions. Juvenile programs and family dependency programs have a tendency to set their minimums a few months shorter, near 9 months, and maximums between 12 and 18 months. For family dependency courts, program length often revolves around permanent placement requirements for the children in these families.

Drug court programs have a varying number of phases. As participants progress, they are promoted to a higher phase where monitoring is reduced and requirements are changed. For example, when promoted, the number of drug tests per week may be lessened and a new requirement to complete one's GED may be instituted. Your team will need to determine how many phases you will include in your program, how long each phase will be (remembering that each phase can be a different length), and what the requirements will be in each phase. Programs must also determine what the criteria are for phase promotions. Must the participants complete all requirements of the phase to advance, 75 percent of the requirements, or will participants need to earn points that are tallied to determine phase advancements? Your team will also need to make a decision about your use of phase demotions. Phase demotions can be significantly more demoralizing to participants than other sanctions that may be equally effective in correcting the participant's behavior. Lastly, your team members will need to determine what the program requirements are for graduation. Will participants need to meet every requirement of every phase to graduate? Are some requirements flexible and others not? Will participants have to start and remain in each phase for a set duration regardless of their individual criminogenic risks?

Staffing Meetings

Prior to each drug court review hearing, most programs hold staffing meetings. These are meetings for the purpose of bringing all team members up to date about the progress of each participant. Staffing reports can be generated and printed from the Drug Court Case Management Information System (DCCMIS). Staffing reports list the achievements and difficulties of each participant since the previous staffing meeting, include staff and treatment providers' recommendations for adjustments to treatment plans, indicate positive drug tests, incentives and sanctions, etc. Your team will need to determine which team members will attend each staffing meeting and how decisions about participants will be recorded during the meeting. This will give the judge access to the decisions as each participant stands before him or her if the status review hearings immediately follow the staffing meetings.

Judicial Status Review Hearings

Judicial status review hearings typically follow the staffing meetings. These should be dockets dedicated solely to drug court participants. Participants attend these hearings en masse and remain in the courtroom as each fellow participant interacts with the judge. This allows

participants to see the consequences of others' actions and builds a sense of mutual support among participants.

Based upon the participant's treatment needs and criminogenic risk, the frequency of judicial review hearings should be determined per participant. Although many programs set rigid guidelines for the frequency of judicial reviews determined by program phase, research indicates that low-risk offenders are successful with fewer judicial reviews than high-risk offenders. The National Association of Drug Court Professionals (NADCP) indicates in their publication, *Principles of Evidence-Based Sentencing and Dispositional Reform*,³ that high criminogenic risk offenders require "close and continuous monitoring of substance use, criminal activity, and treatment attendance. In addition, frequent status reviews are required by a criminal justice professional, typically a judge, who has the authority to impose meaningful and substantial rewards for accomplishments and sanctions for infractions." Research shows that holding status reviews for high-risk participants less often than biweekly or monthly will have little effect on improving their behavior or reducing substance use. Additionally, NADCP states that low-risk offenders can be managed on noncompliance calendars. Therefore, classifying offenders by risk and setting judicial review frequency accordingly can lower costs and save resources.

Substance Abuse Testing

It is important for your program to develop a written policy on drug testing procedures. A good resource to examine in developing your procedures is the Office of Justice Program's publication entitled *Drug Testing in a Drug Court Environment: Common Issues to Address*.⁴ Your team will want to have a same-gendered observer available for all urinalysis. Your team will also need to establish a chain of custody policy so it is clear who will place a seal on the specimen, who will initial the seal, where it will be kept, etc. Identifying the agency or agencies that will conduct testing and a lab that can confirm positive tests that participants can dispute is necessary. Drug testing is expensive so your team will need to determine how tests will be paid for. Many programs ask participants to pay for lab confirmations of positive tests that are disputed and repay the participant if the test results are indeed negative. However, the remainder of the drug tests will likely need to be funded through another source.

Drug testing should be conducted on a random basis and at different times of the day or night, including weekends. With regard to substance abuse testing, research provides evidence that less frequent but random testing can be more beneficial than daily testing as long as the participant believes that he or she could be tested at any time. Creating a system that ensures the random nature of testing will be beneficial. Many programs assign a color to each participant, which can also be accomplished in the DCCMIS. This process requires participants to call into a telephone recording where they learn what color or colors will be drug tested that day and the time and location to report. Additionally, your team will need to determine what types of tests you'll administer (PBTs, EtGs, tether, etc.) and what specific substances you'll test for when participants report. This may vary by participant or be uniform for all program participants.

³ <http://www.nadcp.org/learn/positions-policy-statements-and-resolutions/principles-evidence-based-sentencing-other-court-d>

⁴ <http://www.ncjrs.gov/pdffiles1/ojp/181103.pdf>

Alumni Groups and Step-Down Groups

Some participants struggle to maintain their sobriety after court supervision and accountability abruptly ends at graduation. In response, several drug court programs have instituted alumni groups as an option for participants who could use extra or continued support from other drug court participants. Anticipating support and accountability falling away, some participants relapse shortly before graduation as a means to remain in the comfort of the program. Thus, many programs have also instituted step-down groups. These are groups that participants can partake in and receive support from prior to graduation. Participants may join when promoted to the final phase of the program or a specific amount of time before their scheduled graduation (for example, during their last three months of participation).

Incentives and Sanctions

The National Association of Drug Court Professionals (NADCP) published *Principles of Evidence-Based Sentencing and Dispositional Reform*, in which they indicate that the most successful programs utilize a variety of mid-range responses to participants' behaviors. Starting in the middle of the incentives and sanctions range allows programs to increase or decrease their responses to violations or achievements.

A list of incentive and sanction ideas is included in Appendix I. It is a good idea to determine what specific incentives and sanctions will be given for specific participant behaviors. This encourages fairness across participants and allows participants to predict the consequences of their actions. NADCP states that incentives are “critical for producing long-term behavioral improvements.” In fact, giving incentives to individuals who are high-risk is especially effective because these participants are desensitized to punishment and are unaccustomed to being rewarded. Incentives do not need to be costly (courtroom applause or verbal praise from the judge) and can be individualized. For example, if a participant enjoys writing, an incentive might be allowing the participant to read a poem he or she wrote in open court. Incentives can also include monetary gifts such as bus tokens, books, and meal coupons.

Program violations are not treated like probation violations. Once an offender agrees to participate in drug court, he or she waives the right to counsel at review hearings that may involve administering a sanction. The sanction may be a loss of liberty. Should the participant object to the imposed sanction, the court must advise the participant that a formal objection is equivalent to withdrawing from the program. Sanctions include actions such as verbal warnings, community service, and curfews. They should be graduated in nature so that more severe sanctions (i.e., jail time) occur after lesser sanctions have been administered and exhausted. NADCP recommends that jail sanctions be administered as quickly after the negative behavior as possible, remain short in duration, and allow for continued substance use disorder treatment, if possible.

Discharge

Participants can be discharged from your program for a variety of reasons, including successfully completing the program, noncompliance with program rules, absconding, etc. Your team will need to establish specific criteria for what constitutes successful program completion (for example, minimum of 90 days sober, completion of all phase requirements, and employment). Will court supervision of a participant end when he or she successfully graduates or will participants be continued on probation? Your team will also want to decide if your

program will hold graduation ceremonies, if they will be for individual or multiple participants, and who will be notified of the ceremonies (participants' families, friends, news/media)?

Pursuant to MCL 600.1076, upon discharge, the court must place on the record or in a written statement in the court file, an indication of successful completion or termination and if terminated, why the participant was terminated. If the participant successfully completes the program and had proceedings deferred, the court shall comply with the agreement made at admission. The court can discharge and dismiss proceedings against an individual who meets all of the following: the participant has never participated in drug court before, has successfully completed the program, is not required by law to be sentenced to a correctional facility, is not currently charged with and has not pled guilty to a traffic offense, and has not previously been subject to both (1) assignment to youthful trainee act, and (2) dismissal of criminal proceedings. Finally, the court must send a record of discharge status to the state police. If the participant successfully completes and did not have proceedings deferred, the court shall enter adjudication of guilt, sentence the individual (if not already sentenced), and send a record of the discharge status to the state police.

Regarding unsuccessful participants, your team will need to set a guideline for how long you will wait until you discharge a participant who absconds. To ensure data accuracy, you should not wait longer than ninety days before discharging an absconder as an unsuccessful participant. For a participant who is unsuccessful and has program participation terminated, the court must enter adjudication of guilt (if it was deferred) and sentence on the original charge to which the participant pled guilty. A record of the discharge status should be sent to the state police.

Evaluation

It will be important for you to think ahead to how you will evaluate the effectiveness and performance of your program. Funding sources will want to know why your program is worthy of funding. The quality of your evaluation depends upon accurate and thorough data collection throughout the duration of your program. A comparison group of similar offenders handled by traditional methods and/or a control group of eligible but randomly selected participants will be beneficial to have for baseline information and comparison. Your program may choose to solicit the expertise of an independent evaluator to help with the design of the evaluation and/or to conduct analyses of your data. Evaluators can be professors or graduate students from local colleges and universities or independent contractors with drug court experience. SCAO conducts evaluations of each drug court program in addition to the programs' local evaluations.

Drug Court Case Management Information System (DCCMIS)

The Drug Court Case Management Information System is a web-based free case management system provided to all drug courts recognized by SCAO. A court can begin utilizing the system after an on-site review by SCAO has identified that the program complies with MCL 600.1060 et seq. and the 10 Key Components (see Appendix J), and the court has signed a contract to use the system. Free individualized training is offered as well as three refresher trainings per year. DCCMIS includes a user guide, a data definitions manual that defines the data that should be entered into each field in the system, an administrator manual that

explains how to create a new user account and set security levels for accessing the system, and access to a helpdesk. A separate component of the system, the Drug Court Analysis System (DCAS), allows users to analyze the numbers they enter into the system and conduct statistical tests.

All SCAO recognized drug courts must submit the minimum standard data required by SCAO in accordance with MCL 600.1078. All required data can be entered into DCCMIS. A copy of the minimum required data is included in Appendix C.

Grants

Currently, the State Court Administrative Office distributes the funds for three grant programs, one state funded and two federally funded. Each of these programs has different grant reporting requirements, reimbursable expenses, and target population requirements. Templates for grant reporting can be found on the State Court Administrative Office website (<http://courts.michigan.gov/scao/services/SpecialtyCourts/FormsReports.htm>).

State Grant Programs

Michigan Drug Court Grant Program (MDCGP)

Funding for the Michigan Drug Court Grant Program (MDCGP) comes from court costs and assessments deposited into a restricted fund called the Drug Treatment Court Fund and general fund dollars. Applications for this program are submitted by local courts to the SCAO in early summer each year.

Any drug, DWI, juvenile, or family dependency specialty court, operational or in the planning stage, may apply for funding. Existing programs must have undergone federal Drug Court Planning Initiative (DCPI) training, have an approved LAO, signed MOUs, and be recognized by SCAO as a drug court (unless applying for a planning grant) to be eligible for funding. More information about the MDCGP can be found at <http://courts.michigan.gov/scao/services/SpecialtyCourts/GrantsFunding.htm>.

Federal Programs

Byrne Justice Assistance Grant (Byrne JAG)

Funds for the Byrne JAG program come from the Budget and Financial Services Division of the Michigan State Police and are appropriated through an interagency agreement with the State Court Administrative Office. Applications are accepted in the summer of each year. For this program, SCAO is the grant recipient and the local courts are the subrecipients of the funds. To be eligible, a program must target presumptive cell or straddle cell participants based upon their sentencing guidelines. Allowable expenses for reimbursement are similar to the MDCGP, but courts are also bound by the guidelines listed in the OMB Circular A-87⁵ and the OJP Financial Guide.⁶

⁵ http://www.whitehouse.gov/omb/circulars/a087/a87_2004.pdf

⁶ http://ema.ohio.gov/Documents/CitizenCorpProgramGrant/EMA_USDOJ%20Financial%20Guide.pdf

Office of Highway Safety Planning (OHSP)

The federal Office of Highway Safety Planning provides yet another funding opportunity. For this grant program, SCAO is the grant recipient and the local courts are the subrecipients of funding. Applications are accepted in late summer of each year. This program is exclusively for DWI court programs and funding varies annually. To be eligible, a program must be a new DWI court or a current DWI court seeking funding to expand its program. Programs may be reimbursed for many of the same expenses as the MDCGP, but again must also adhere to the guidelines listed in the OMB Circular A-87 and the OJP Financial Guide.

Sustainability of Drug Court Programs

Although grant funds may be available, drug court programs should be aware that these are competitive programs, not entitlements, and that grant funding may not always be available. Before implementing a drug court program, your team should think about how it can be sustained long-term if grant funding is no longer an option.

Support from local businesses and county or city funding sources should be examined. This is where keeping track of program success, cost-benefit, and other research will be crucial when persuading these funding sources to donate or dedicate funds to your program. Facts and numbers are helpful to demonstrate why your program is worthy of financial support.

Another avenue to consider to support drug treatment court operations is formation of a 501(c)(3) by persons or entities outside the court. This is a portion of the US Internal Revenue Code specific to public charities and foundations. These entities are tax exempt and donations toward them are tax deductible. For more information about 501(c)(3)s, see www.501c3.org. Additional information regarding establishing a 501(c)(3) can also be found at <https://inside.dykema.com/DrugCourtFoundations>. A user name and password to access this website can be obtained by contacting SCAO.

District court drug court programs can also be supported in part by filing fees. Five dollars of the local share of filing fees can be earmarked for local drug treatment court funding per MCL 600.8371.

APPENDIX A

Act No. 224
Public Acts of 2004
Approved by the Governor
July 21, 2004
Filed with the Secretary of State
July 21, 2004
EFFECTIVE DATE: January 1, 2005

STATE OF MICHIGAN 92ND LEGISLATURE REGULAR SESSION OF 2004

Introduced by Senators Cropsey, Patterson, Sanborn, Bishop, Schauer and Brater

ENROLLED SENATE BILL No. 99

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9947) by adding chapter 10A.

The People of the State of Michigan enact:

CHAPTER 10A.

DRUG TREATMENT COURTS

Sec. 1060. As used in this chapter:

- (a) "Dating relationship" means that term as defined in section 2950.
- (b) "Domestic violence offense" means any crime alleged to have been committed by an individual against his or her spouse or former spouse, an individual with whom he or she has a child in common, an individual with whom he or she has had a dating relationship, or an individual who resides or has resided in the same household.
- (c) "Drug treatment court" means a court supervised treatment program for individuals who abuse or are dependent upon any controlled substance or alcohol. A drug treatment court should comply with the 10 key components promulgated by the national association of drug court professionals, which include all of the following essential characteristics:
 - (i) Integration of alcohol and other drug treatment services with justice system case processing.
 - (ii) Use of a nonadversarial approach by prosecution and defense that promotes public safety while protecting any participant's due process rights.
 - (iii) Identification of eligible participants early with prompt placement in the program.
 - (iv) Access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
 - (v) Monitoring of participants effectively by frequent alcohol and other drug testing to ensure abstinence from drugs or alcohol.
 - (vi) Use of a coordinated strategy with a regimen of graduated sanctions and rewards to govern the court's responses to participants' compliance.
 - (vii) Ongoing close judicial interaction with each participant and supervision of progress for each participant.
 - (viii) Monitoring and evaluation of the achievement of program goals and the program's effectiveness.
 - (ix) Continued interdisciplinary education in order to promote effective drug court planning, implementation, and operation.
 - (x) The forging of partnerships among other drug courts, public agencies, and community-based organizations to generate local support.
- (d) "Participant" means an individual who is admitted into a drug treatment court.
- (e) "Prosecutor" means the prosecuting attorney of the county, the city attorney, the village attorney, or the township attorney.

(f) “Traffic offense” means a violation of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a violation of a local ordinance substantially corresponding to a violation of that act, that involves the operation of a vehicle and, at the time of the violation, is a felony or misdemeanor.

(g) “Violent offender” means an individual who meets either of the following criteria:

(i) Is currently charged with or has pled guilty to, or, if a juvenile, is currently alleged to have committed or has admitted responsibility for, an offense involving the death of or a serious bodily injury to any individual, or the carrying, possessing, or use of a firearm or other dangerous weapon by that individual, whether or not any of these circumstances are an element of the offense, or is criminal sexual conduct of any degree.

(ii) Has 1 or more prior convictions for, or, if a juvenile, has 1 or more prior findings of responsibility for, a felony involving the use or attempted use of force against another individual with the intent to cause death or serious bodily harm.

Sec. 1062. (1) The circuit court in any judicial circuit or the district court in any judicial district may adopt or institute a drug treatment court, pursuant to statute or court rules. However, the circuit or district court shall not adopt or institute a drug treatment court unless the circuit or district court enters into a memorandum of understanding with each participating county prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, and a representative or representatives of community treatment providers. The memorandum of understanding also may include other parties considered necessary, such as any other prosecutor in the circuit or district court district, local law enforcement, the probation departments in that circuit or district, the local substance abuse coordinating agency for that circuit or district, a domestic violence service provider program that receives funding from the state domestic violence prevention and treatment board, and community corrections agencies in that circuit or district. The memorandum of understanding shall describe the role of each party.

(2) The family division of circuit court in any judicial circuit may adopt or institute a juvenile drug treatment court, pursuant to statute or court rules. However, the family division of circuit court shall not adopt or institute a juvenile drug treatment court unless the family division of circuit court enters into a memorandum of understanding with each participating county prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, and a representative or representatives of community treatment providers. The memorandum of understanding also may include other parties considered necessary, such as any other prosecutor in the circuit or district court district, local law enforcement, the probation departments in that circuit, the local substance abuse coordinating agency for that circuit, a domestic violence service provider program that receives funding from the state domestic violence prevention and treatment board, and community corrections agencies in that circuit. The memorandum of understanding shall describe the role of each party. A juvenile drug treatment court is subject to the same procedures and requirements provided in this chapter for drug treatment courts created under subsection (1), except as specifically provided otherwise in this chapter.

(3) A court that is adopting a drug treatment court shall participate in training as required by the state court administrative office and the bureau of justice assistance of the United States department of justice.

Sec. 1063. A drug treatment court may hire or contract with licensed or accredited treatment providers, in consultation and cooperation with the local substance abuse coordinating agency, and other such appropriate persons to assist the drug treatment court in fulfilling its requirements under this chapter, such as the investigation of an individual’s background or circumstances, or the clinical evaluation of an individual, for his or her admission into or participation in a drug treatment court.

Sec. 1064. (1) Each drug treatment court shall determine whether an individual may be admitted to the drug treatment court. No individual has a right to be admitted into a drug treatment court. However, an individual is not eligible for admission into a drug treatment court if he or she is a violent offender.

(2) In addition to admission to a drug treatment court under this act, an individual who is eligible for admission pursuant to this act may also be admitted to a drug treatment court under any of the following circumstances:

(a) The individual has been assigned the status of youthful trainee under section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11.

(b) The individual has had criminal proceedings against him or her deferred and has been placed on probation under any of the following:

(i) Section 7411 of the public health code, 1978 PA 368, MCL 333.7411.

(ii) Section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a.

(iii) Section 430 of the Michigan penal code, 1931 PA 328, MCL 750.430.

(iv) Section 350a of the Michigan penal code, 1931 PA 328, MCL 750.350a.

(3) To be admitted to a drug treatment court, an individual must cooperate with and complete a preadmissions screening and evaluation assessment and must agree to cooperate with any future evaluation assessment as directed by the drug treatment court. A preadmission screening and evaluation assessment shall include all of the following:

(a) A complete review of the individual’s criminal history, and a review of whether or not the individual has been admitted to and has participated in or is currently participating in a drug treatment court, whether admitted under this act or under section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11, section 7411 of the

public health code, 1978 PA 368, MCL 333.7411, section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a, section 1 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1, section 350a of the Michigan penal code, 1931 PA 328, MCL 750.350a, or section 430 of the Michigan penal code, 1931 PA 328, MCL 750.430, and the results of the individual's participation. A review of the law enforcement information network may be considered sufficient for purposes of this subdivision unless a further review is warranted. The court may accept other verifiable and reliable information from the prosecution or defense to complete its review and may require the individual to submit a statement as to whether or not he or she has previously been admitted to a drug treatment court and the results of his or her participation in the prior program or programs.

(b) An assessment of the risk of danger or harm to the individual, others, or the community.

(c) As much as practicable, a complete review of the individual's history regarding the use or abuse of any controlled substance or alcohol and an assessment of whether the individual abuses controlled substances or alcohol or is drug or alcohol dependent. It is the intent of the legislature that this assessment should be a clinical assessment as much as practicable.

(d) A review of any special needs or circumstances of the individual that may potentially affect the individual's ability to receive substance abuse treatment and follow the court's orders.

(e) For a juvenile, an assessment of the family situation including, as much as practicable, a comparable review of any guardians or parents.

(4) Except as otherwise permitted in this act, any statement or other information obtained as a result of participating in a preadmission screening and evaluation assessment under subsection (3) is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be used in a criminal prosecution, unless it reveals criminal acts other than, or inconsistent with, personal drug use.

(5) The court may request that the department of state police provide to the court information contained in the law enforcement information network pertaining to an individual applicant's criminal history for the purposes of determining an individual's admission into the drug treatment court and general criminal history review, including whether the individual has previously been admitted to and participated in a drug treatment court under this act, or under section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11, section 7411 of the public health code, 1978 PA 368, MCL 333.7411, section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a, section 1 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1, section 350a of the Michigan penal code, 1931 PA 328, MCL 750.350a, or section 430 of the Michigan penal code, 1931 PA 328, MCL 750.430, and the results of the individual's participation. The department of state police shall provide the information requested by a drug treatment court under this subsection.

Sec. 1066. Before an individual is admitted into a drug treatment court, the court shall find on the record, or place a statement in the court file pertaining to, all of the following:

(a) The individual is dependent upon or abusing drugs or alcohol and is an appropriate candidate for participation in the drug treatment court.

(b) The individual understands the consequences of entering the drug treatment court and agrees to comply with all court orders and requirements of the court's program and treatment providers.

(c) The individual is not an unwarranted or substantial risk to the safety of the public or any individual, based upon the screening and assessment or other information presented to the court.

(d) The individual is not a violent offender.

(e) The individual has completed a preadmission screening and evaluation assessment under section 1064(3) and has agreed to cooperate with any future evaluation assessment as directed by the drug treatment court.

(f) The individual meets the requirements, if applicable, under section 7411 of the public health code, 1978 PA 368, MCL 333.7411, section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11, section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a, section 1 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1, section 350a of the Michigan penal code, 1931 PA 328, MCL 750.350a, or section 430 of the Michigan penal code, 1931 PA 328, MCL 750.430.

(g) The terms, conditions, and the duration of the agreement between the parties, especially as to the outcome for the participant of the drug treatment court upon successful completion by the participant or termination of participation.

Sec. 1068. (1) If the individual being considered for admission to a drug treatment court is charged in a criminal case or, in the case of a juvenile, is alleged to have engaged in activity that would constitute a criminal act if committed by an adult, his or her admission is subject to all of the following conditions:

(a) The offense or offenses allegedly committed by the individual must be related to the abuse, illegal use, or possession of a controlled substance or alcohol.

(b) The individual, if an adult, must plead guilty to the charge or charges on the record. The individual, if a juvenile, must admit responsibility for the violation or violations that he or she is accused of having committed.

(c) The individual must waive, in writing, the right to a speedy trial, the right to representation at drug treatment court review hearings by an attorney, and, with the agreement of the prosecutor, the right to a preliminary examination.

- (d) The individual must sign a written agreement to participate in the drug treatment court.
- (2) The prosecutor must approve of the admission of the individual into the drug treatment court in conformity with the memorandum of understanding under section 1062.
- (3) An individual shall not be admitted to, or remain in, a drug treatment court pursuant to an agreement that would permit a discharge or dismissal of a traffic offense upon successful completion of the drug treatment court program.
- (4) In addition to rights accorded a victim under the crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, the drug treatment court must permit any victim of the offense or offenses of which the individual is charged, any victim of a prior offense of which that individual was convicted, and members of the community in which either the offenses were committed or in which the defendant resides to submit a written statement to the court regarding the advisability of admitting the individual into the drug treatment court.
- (5) An individual who has waived his or her right to a preliminary examination and has pled guilty or, in the case of a juvenile, has admitted responsibility, as part of his or her application to a drug treatment court and who is not admitted to a drug treatment court, shall be permitted to withdraw his or her plea and is entitled to a preliminary examination or, in the case of a juvenile, shall be permitted to withdraw his or her admission of responsibility.

Sec. 1070. (1) Upon admitting an individual into a drug treatment court, all of the following apply:

- (a) For an individual who is admitted to a drug treatment court based upon having criminal charges currently filed against him or her, the court shall accept the plea of guilty or, in the case of a juvenile, the admission of responsibility.
- (b) For an individual who pled guilty to, or admitted responsibility for, criminal charges for which he or she was admitted into the drug treatment court, the court shall do either of the following:
 - (i) In the case of an individual who pled guilty to an offense that is not a traffic offense and who may be eligible for discharge and dismissal pursuant to the agreement with the court and prosecutor upon successful completion of the drug treatment court program, the court shall not enter a judgment of guilt or, in the case of a juvenile, shall not enter an adjudication of responsibility.
 - (ii) In the case of an individual who pled guilty to a traffic offense or who pled guilty to an offense but may not be eligible for discharge and dismissal pursuant to the agreement with the court and prosecutor upon successful completion of the drug treatment court program, the court shall enter a judgment of guilt or, in the case of a juvenile, shall enter an adjudication of responsibility.
- (c) Pursuant to the agreement with the individual and the prosecutor, the court may either defer further proceedings as provided in section 1 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1, or proceed to sentencing, as applicable in that case pursuant to that agreement, and place the individual on probation or other court supervision in the drug treatment court program with terms and conditions according to the agreement and as deemed necessary by the court.
- (2) The court shall maintain jurisdiction over the drug treatment court participant as provided in this act until final disposition of the case, but not longer than the probation period fixed under section 2 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.2. In the case of a juvenile participant, the court may obtain jurisdiction over any parents or guardians of the juvenile in order to assist in ensuring the juvenile's continued participation and successful completion of the drug treatment court, and may issue and enforce any appropriate and necessary order regarding the parent or guardian of a juvenile participant.
- (3) The drug treatment court shall cooperate with, and act in a collaborative manner with, the prosecutor, defense counsel, treatment providers, the local substance abuse coordinating agency for that circuit or district, probation departments, and, to the extent possible, local law enforcement, the department of corrections, and community corrections agencies.
- (4) The drug treatment court may require an individual admitted into the court to pay a reasonable drug court fee that is reasonably related to the cost to the court for administering the drug treatment court program as provided in the memorandum of understanding under section 1062. The clerk of the drug treatment court shall transmit the fees collected to the treasurer of the local funding unit at the end of each month.
- (5) The drug treatment court may request that the department of state police provide to the court information contained in the law enforcement information network pertaining to an individual applicant's criminal history for purposes of determining the individual's compliance with all court orders. The department of state police shall provide the information requested by a drug treatment court under this subsection.

Sec. 1072. (1) A drug treatment court shall provide a drug court participant with all of the following:

- (a) Consistent, continual, and close monitoring of the participant and interaction among the court, treatment providers, probation, and the participant.
- (b) Mandatory periodic and random testing for the presence of any controlled substance or alcohol in a participant's blood, urine, or breath, using to the extent practicable the best available, accepted, and scientifically valid methods.
- (c) Periodic evaluation assessments of the participant's circumstances and progress in the program.
- (d) A regimen or strategy of appropriate and graduated but immediate rewards for compliance and sanctions for noncompliance, including, but not limited to, the possibility of incarceration or confinement.
- (e) Substance abuse treatment services, relapse prevention services, education, and vocational opportunities as appropriate and practicable.

(2) Any statement or other information obtained as a result of participating in assessment, treatment, or testing while in a drug treatment court is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be used in a criminal prosecution, unless it reveals criminal acts other than, or inconsistent with, personal drug use.

Sec. 1074. (1) In order to continue to participate in and successfully complete a drug treatment court program, an individual shall comply with all of the following:

- (a) Pay all court ordered fines and costs, including minimum state costs.
 - (b) Pay the drug treatment court fee allowed under section 1070(4).
 - (c) Pay all court ordered restitution.
 - (d) Pay all crime victims rights assessments under section 5 of 1989 PA 196, MCL 780.905.
 - (e) Comply with all court orders, violations of which may be sanctioned according to the court's discretion.
- (2) The drug treatment court must be notified if the participant is accused of a new crime, and the judge shall consider whether to terminate the participant's participation in the drug treatment program in conformity with the memorandum of understanding under section 1062. If the participant is convicted of a felony for an offense that occurred after the defendant is admitted to drug treatment court, the judge shall terminate the participant's participation in the program.
- (3) The court shall require that a participant pay all fines, costs, the fee, restitution, and assessments described in subsection (1)(a) to (d) and pay all, or make substantial contributions toward payment of, the costs of the treatment and the drug treatment court program services provided to the participant, including, but not limited to, the costs of urinalysis and such testing or any counseling provided. However, if the court determines that the payment of fines, the fee, or costs of treatment under this subsection would be a substantial hardship for the individual or would interfere with the individual's substance abuse treatment, the court may waive all or part of those fines, the fee, or costs of treatment.

Sec. 1076. (1) Upon completion or termination of the drug treatment court program, the court shall find on the record or place a written statement in the court file as to whether the participant completed the program successfully or whether the individual's participation in the program was terminated and, if it was terminated, the reason for the termination.

- (2) For a participant who successfully completes probation or other court supervision and whose proceedings were deferred or who was sentenced pursuant to section 1070, the court shall comply with the agreement made with the participant upon admission into the drug treatment court, or the agreement as it was altered after admission by the court with approval of the participant and the prosecutor for that jurisdiction as provided in subsections (3) to (8).
- (3) If an individual is participating in a drug treatment court under section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11, section 7411 of the public health code, 1978 PA 368, MCL 333.7411, section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a, section 350a of the Michigan penal code, 1931 PA 328, MCL 750.350a, or section 430 of the Michigan penal code, 1931 PA 328, MCL 750.430, the court shall proceed pursuant to the applicable section of law. There may only be 1 discharge or dismissal under this subsection.
- (4) Except as provided in subsection (5), the court, with the agreement of the prosecutor and in conformity with the terms and conditions of the memorandum of understanding under section 1062, may discharge and dismiss the proceedings against an individual who meets all of the following criteria:
- (a) The individual has participated in a drug treatment court for the first time.
 - (b) The individual has successfully completed the terms and conditions of the drug treatment court program.
 - (c) The individual is not required by law to be sentenced to a correctional facility for the crimes to which he or she has pled guilty.
 - (d) The individual is not currently charged with and has not pled guilty to a traffic offense.
 - (e) The individual has not previously been subject to more than 1 of any of the following:
 - (i) Assignment to the status of youthful trainee under section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11.
 - (ii) The dismissal of criminal proceedings against him or her under section 7411 of the public health code, 1978 PA 368, MCL 333.7411, section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a, section 350a of the Michigan penal code, 1931 PA 328, MCL 750.350a, or section 430 of the Michigan penal code, 1931 PA 328, MCL 750.430.
- (5) The court may grant a discharge and dismissal of a domestic violence offense only if all of the following circumstances apply:
- (a) The individual has not previously had proceedings dismissed under section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a.
 - (b) The domestic violence offense is eligible to be dismissed under section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a.
 - (c) The individual fulfills the terms and conditions imposed under section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a, and the discharge and dismissal of proceedings are processed and reported under section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a.
- (6) A discharge and dismissal under subsection (4) shall be without adjudication of guilt or, for a juvenile, without

adjudication of responsibility and are not a conviction or a finding of responsibility for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or, for a juvenile, a finding of responsibility. There may only be 1 discharge and dismissal under subsection (4) for an individual. The court shall send a record of the discharge and dismissal to the criminal justice information center of the department of state police, and the department of state police shall enter that information into the law enforcement information network with an indication of participation by the individual in a drug treatment court. All records of the proceedings regarding the participation of the individual in the drug treatment court pursuant to subsection (4) are closed to public inspection, and are exempt from public disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, but shall be open to the courts of this state, another state, or the United States, the department of corrections, law enforcement personnel, and prosecutors only for use in the performance of their duties or to determine whether an employee of the court, department, law enforcement agency, or prosecutor's office has violated his or her conditions of employment or whether an applicant meets criteria for employment with the court, department, law enforcement agency, or prosecutor's office. The records and identifications division of the department of state police shall retain a nonpublic record of an arrest and the discharge and dismissal under this subsection.

(7) Except as provided in subsection (3), (4), or (5), if an individual has successfully completed probation or other court supervision, the court shall do the following:

(a) If the court has not already entered an adjudication of guilt or responsibility, enter an adjudication of guilt or, in the case of a juvenile, enter a finding or adjudication of responsibility.

(b) If the court has not already sentenced the individual, proceed to sentencing or, in the case of a juvenile, disposition pursuant to the agreement.

(c) Send a record of the conviction and sentence or the finding or adjudication of responsibility and disposition to the criminal justice information center of the department of state police. The department of state police shall enter that information into the law enforcement information network with an indication of successful participation by the individual in a drug treatment court.

(8) For a participant whose participation is terminated or who fails to successfully complete the drug treatment court program, the court shall enter an adjudication of guilt, or, in the case of a juvenile, a finding of responsibility, if the entering of guilt or adjudication of responsibility was deferred pursuant to section 1070, and shall then proceed to sentencing or disposition of the individual for the original charges to which the individual pled guilty or, if a juvenile, to which the juvenile admitted responsibility prior to admission to the drug treatment court. Upon sentencing or disposition of the individual, the court shall send a record of that sentence or disposition and the individual's unsuccessful participation in the drug treatment court to the criminal justice information center of the department of state police, and the department of state police shall enter that information into the law enforcement information network, with an indication that the individual unsuccessfully participated in a drug treatment court.

Sec. 1078. (1) Each drug treatment court shall collect and provide data on each individual applicant and participant and the entire program as required by the state court administrative office.

(2) Each drug treatment court shall maintain files or databases on each individual applicant or referral who is denied or refused admission to the program, including the reasons for the denial or rejection, the criminal history of the applicant, the preadmission evaluation and assessment, and other demographic information as required by the state court administrative office.

(3) Each drug treatment court shall maintain files or databases on each individual participant in the program for review and evaluation as well as treatment, as directed by the state court administrative office. The information collected for evaluation purposes must include a minimum standard data set developed and specified by the state court administrative office. This information should be maintained in the court files or otherwise accessible by the courts and the state court administrative office and, as much as practicable, should include all of the following:

(a) Location and contact information for each individual participant, both upon admission and termination or completion of the program for follow-up reviews, and third party contact information.

(b) Significant transition point dates, including dates of referral, enrollment, new court orders, violations, detentions, changes in services or treatments provided, discharge for completion or termination, any provision of after-care, and after-program recidivism.

(c) The individual's precipitating offenses and significant factual information, source of referral, and all drug treatment court evaluations and assessments.

(d) Treatments provided, including intensity of care or dosage, and their outcomes.

(e) Other services or opportunities provided to the individual and resulting use by the individual, such as education or employment and the participation of and outcome for that individual.

(f) Reasons for discharge, completion, or termination of the program.

(4) As directed by the state court administrative office, after an individual is discharged either upon completion or termination of the program, the drug treatment court should conduct, as much as practicable, follow-up contacts with and reviews of participants for key outcome indicators, such as drug use, recidivism, and employment, as frequently and for a period of time determined by the state court administrative office based upon the nature of the drug treatment court and the nature of the participant. These follow-up contacts and reviews of former participants are not extensions of the court's jurisdiction over the individuals.

- (5) Each drug treatment court shall provide to the state court administrative office all information requested by the state court administrative office.
- (6) With the approval and at the discretion of the supreme court, the state court administrative office shall be responsible for evaluating and collecting data on the performance of drug treatment courts in this state as follows:
- (a) The state court administrative office shall provide an annual review of the performance of drug treatment courts in this state to the minority and majority party leaders in the senate and house of representatives, the state drug treatment court advisory board created under section 1082, the governor, and the supreme court.
 - (b) The state court administrative office shall provide standards for drug treatment courts in this state including, but not limited to, developing a list of approved measurement instruments and indicators for data collection and evaluation. These standards must provide comparability between programs and their outcomes.
 - (c) The state court administrative office's evaluation plans should include appropriate and scientifically valid research designs, which, as soon as practicable, should include the use of comparison and control groups.
- (7) The information collected under this section regarding individual applicants to drug treatment court programs for the purpose of application to that program and participants who have successfully completed drug treatment courts shall be exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Sec. 1080. (1) The supreme court is responsible for the expenditure of state funds for the establishment and operation of drug treatment courts. Federal funds provided to the state for the operation of drug treatment courts shall be distributed by the department of community health or the appropriate state agency as otherwise provided by law.

(2) The state treasurer may receive money or other assets from any source for deposit into the appropriate state fund or funds for the purposes described in subsection (1).

(3) Each drug treatment court shall report quarterly to the state court administrative office on the funds received and expended by that drug treatment court, in a manner prescribed by the state court administrative office.

Sec. 1082. (1) A state drug treatment court advisory committee is created in the legislative council. The state drug treatment court advisory committee consists of the following members:

(a) The state court administrator or his or her designee.

(b) Sixteen members appointed jointly by the speaker of the house of representatives and the senate majority leader, as follows:

(i) A circuit court judge who has presided for at least 2 years over a drug treatment court.

(ii) A district court judge who has presided for at least 2 years over a drug treatment court.

(iii) A judge of the family division of circuit court who has presided for at least 2 years over a juvenile drug treatment court program.

(iv) A circuit or district court judge who has presided for at least 2 years over an alcohol treatment court.

(v) A court administrator who has worked for at least 2 years with a drug or alcohol treatment court.

(vi) A prosecuting attorney who has worked for at least 2 years with a drug or alcohol treatment court.

(vii) An individual representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for at least 2 years.

(viii) An individual representing drug treatment providers who has worked at least 2 years with a drug or alcohol treatment court.

(ix) An individual representing defense attorneys, who has worked for at least 2 years with drug or alcohol treatment courts.

(x) An individual who has successfully completed a drug treatment court program.

(xi) An individual who has successfully completed a juvenile drug treatment court program.

(xii) An individual who is an advocate for the rights of crime victims.

(xiii) An individual representing the Michigan association of drug court professionals.

(xiv) An individual who is a probation officer and has worked for at least 2 years for a drug or alcohol treatment court.

(xv) An individual representing a substance abuse coordinating agency.

(xvi) An individual representing domestic violence service provider programs that receive funding from the state domestic violence prevention and treatment board.

(2) Members of the advisory committee shall serve without compensation. However, members of the advisory committee may be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the advisory committee.

(3) Members of the advisory committee shall serve for terms of 4 years each, except that the members first appointed shall serve terms as follows:

(a) The members appointed under subsection (1)(b)(i) to (v) shall serve terms of 4 years each.

(b) The members appointed under subsection (1)(b)(vi) to (x) shall serve terms of 3 years each.

(c) The members appointed under subsection (1)(b)(xi) to (xvi) shall serve terms of 2 years each.

(4) If a vacancy occurs in an appointed membership on the advisory committee, the appointing authority shall make an appointment for the unexpired term in the same manner as the original appointment.

(5) The appointing authority may remove an appointed member of the advisory committee for incompetency,

dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(6) The first meeting of the advisory committee shall be called by the speaker of the house of representatives and the senate majority leader. At the first meeting, the advisory committee shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the advisory committee shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 9 or more members.

(7) A majority of the members of the advisory committee constitute a quorum for the transaction of business at a meeting of the advisory committee. A majority of the members present and serving are required for official action of the advisory committee.

(8) The business that the advisory committee may perform shall be conducted at a public meeting of the advisory committee held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(9) A writing prepared, owned, used, in the possession of, or retained by the advisory committee in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(10) The advisory committee shall monitor the effectiveness of drug treatment courts and the availability of funding for those courts and shall present annual recommendations to the legislature and supreme court regarding proposed statutory changes regarding drug treatment courts.

Enacting section 1. This amendatory act takes effect January 1, 2005.

This act is ordered to take immediate effect.

APPENDIX B

MEMO OF UNDERSTANDING _____ DRUG TREATMENT COURT

This is an understanding between the _____ **Prosecuting Attorney, _____ County Sheriff Department, Community Corrections, _____ County Adult Probation, _____ Judicial Circuit, Defense Counsel Representative, _____ Treatment Provider, _____ Substance Abuse Services** and _____ **Court Project Coordinator.**

1. The below parties agree to share the following vision for the _____ Drug Court:
 - A. Enhance the quality of life throughout _____ County;
 - B. Provide leadership through innovative services;
 - C. Continuously improve services;
 - D. Achieve program goals through teamwork;
 - E. Break the generational cycle of criminality and substance abuse.
2. We endorse the goals and mission of the _____ County Drug Court Program in order for participants to eliminate future criminal behavior and improve the quality of their lives. For these programs to be successful, cooperation must occur within a network of systems to facilitate and achieve the mission, challenge and vision of the _____ County Drug Court;
3. We agree that the mission of the drug court program shall be to successfully rehabilitate substance abusing individuals while maintaining public safety and;
4. We agree to the following challenge of the drug court program: Engaging substance abusing individuals involved in the criminal justice system in a continuum of treatment services and providing them with appropriate intervention through treatment, rehabilitative programming, reinforcement, and monitoring.
5. There are ten principles under which the respective agencies work cooperatively:
 - A. Drug and alcohol addiction is a chronic relapsing disease that is treatable and substance abuse is reversible behavior, but which, if unaddressed, may lead to continuing and increasing criminal behavior and other personal, family, and societal problems.
 - B. Drug court programs offer an opportunity to direct those in crisis with addictions and abuse to begin a rehabilitation process, which may ultimately lead to a reduction or elimination of addiction and abuse and permit the development of a productive lifestyle.
 - C. Treatment intervention should occur early on upon entry to the criminal justice system to achieve maximum treatment outcomes.
 - D. Thorough assessment and evaluation is a critical component of the drug court program.
 - E. Participants with drug and alcohol abuse issues cannot maximize their treatment potential without appropriate treatment intervention that includes their families.
 - F. Participant accountability is foremost in the program, with written program agreements and Court monitoring of behavior on a biweekly basis. Court monitoring will include incremental sanctioning for negative behaviors and positive rewards for improved behaviors.

- G. Drug court programs are established with written protocols, which are well defined and documented through the Policies and Procedures Manual. The Program Manual will be updated annually, to respond to the changes in the needs of the programs, participants, families, agencies and community.
 - H. Preadjudication participant entry in to the drug court program shall be governed by written eligibility criteria as established by the Drug Court Policy Council with the concurrence of the prosecuting attorney.
 - I. Information about participant progress, participant family progress, and the functioning of the drug court program shall be made available to all parties.
 - J. Effective evaluation of the drug court program shall be sought with appropriate responses being made relative to these evaluations.
6. The roles of the parties are as follows:
- A. Prosecuting attorney: Provide initial screening of eligible participants, participate in biweekly team meetings and biweekly court sessions. Provide feedback, ideas, and suggestions as needed. Represent the interests of the prosecutor and law enforcement.
 - B. County sheriff's department and community corrections: Attend biweekly team meetings and court sessions. Provide advice and suggestions on community corrections sanctions and provide feedback to the court on the drug court participants' follow-up on all ordered community corrections sanctions.
 - C. Probation department: Attend team meetings and biweekly sessions. Provide probation oversight for all drug court participants. Work with the drug court coordinator in supervising and monitoring the individuals in the program. Prepare presentence reports as needed. Schedule show causes for participants who have violated the program rules and are subject to dismissal.
 - D. Drug court circuit judge: Chair meetings, preside in court, and coordinate team activities, evaluations, and planning.
 - E. Defense counsel representative: Attend team meetings and biweekly sessions. Insure that defendants' procedural and due process rights are followed. Provide feedback, suggestions, and ideas on the operation of the court.
 - F. Project coordinator: Attend meetings, arrange for additional screenings of persons screened by the prosecutor. Answer inquiries from defense attorneys on possible eligibility. Enter data into DCCMIS system. Liaison with treatment providers and drug testing contractor, district court intensive supervised probation and residential treatment facilities.
 - G. Addiction recovery center, Family Services & Children's Aid and substance abuse services: Attend meetings, report on progress of participants, and offer insights and suggestions on the treatment plans of individuals in the program.
 - H. Community Mental Health: Attend meetings, report on progress of participants, and offer insights and suggestions on those participants who have mental health issues in addition to substance abuse problems.

Signature and date of all parties.

APPENDIX C

Minimum Standard Data – Adult Drug Court

Sec. 1078 of 2004 PA 224 states that each drug treatment court shall collect and provide data on each individual applicant and participant and the entire program as required by the State Court Administrative Office. The information collected must include a minimum standard data set developed and specified by the State Court Administrative Office. In accordance with this act, the State Court Administrative Office has prepared the following minimum standard data sets. The minimum standard data sets include the minimum data that must be reported to the State Court Administrative Office on an annual basis. The reported data will be used in preparing the annual legislative report regarding drug court performance, as mandated in Sec. 1078 of 2004 PA 224.

In accordance with 2004 PA 224, data must be collected and reported for all drug court applicants that were screened for drug court, even if the applicant was not accepted into the drug court program. Therefore, the minimum standard data that follows is broken into two sets; one set for screening and one set for case management data relevant to accepted participants. This document provides descriptions and valid values for each of the variables in the minimum standard data sets. This information can be entered in the Excel spreadsheet that accompanies this document.

Set 1: Screening

Minimum standard data set for all screened individuals, whether accepted or rejected.

VARIABLE	DESCRIPTION	VALID VALUES
1. Court Name	Name of the drug court	<ul style="list-style-type: none"> Alpha/Numeric
2. Court Type	Type of drug court program	<ul style="list-style-type: none"> Adult circuit Adult district DWI/Sobriety Family dependency
3. Referral Source	Party that referred candidate to drug court	<ul style="list-style-type: none"> Court/judicial Defense attorney DHS DYS Prosecutor Self Other
4. Screening Date	Date candidate was screened for admission	<ul style="list-style-type: none"> mm/dd/yyyy
5. First Name	Candidate's legal first name	<ul style="list-style-type: none"> Alpha
6. Middle Name	Candidate's legal middle name	<ul style="list-style-type: none"> Alpha
7. Last Name	Candidate's legal last name	<ul style="list-style-type: none"> Alpha

VARIABLE	DESCRIPTION	VALID VALUES
8. Address	Candidate's street address at screening	<ul style="list-style-type: none"> Alpha
9. City	City associated with candidate's street address	<ul style="list-style-type: none"> Alpha
10. State	State associated with candidate's street address	<ul style="list-style-type: none"> Two letter abbreviation
11. Zip Code	Zip code associated with candidate's street address	<ul style="list-style-type: none"> Five number postal zip code
12. Race/Ethnicity	Race/ethnicity of the candidate	<ul style="list-style-type: none"> African American Alaskan native Asian/pacific islander Caucasian Hispanic/Latino Multiracial Native American Other
13. Gender	Gender of the candidate	<ul style="list-style-type: none"> Male Female
14. DOB	Date the candidate was born	<ul style="list-style-type: none"> mm/dd/yyyy
15. Marital Status	Marital status of the candidate at screening	<ul style="list-style-type: none"> Single Married Widowed Separated Divorced
16. Phone Number	Phone number where candidate can be reached	<ul style="list-style-type: none"> (###) ### - ####
17. SSN last 4 digits	Last four digits of candidate's social security number	<ul style="list-style-type: none"> Numeric
18. Drug Court Eligible Charge	Charge that made candidate eligible for drug court	<ul style="list-style-type: none"> PACC code
19. Case/Docket Number	Candidate's case or docket number	<ul style="list-style-type: none"> Numeric
20. Offense Category	Offense category of the drug court eligible charge	<ul style="list-style-type: none"> B&E/home invasion C.S. manufacturing/distribution C.S. use/possession DUI alcohol first DUI alcohol second DUI alcohol third Neglect and abuse civil Neglect and abuse criminal Nonviolent sex offense Other alcohol offense Other drug offense Other criminal traffic offense Property offense Other

VARIABLE	DESCRIPTION	VALID VALUES
21. Charge Type	Level of the drug court eligible charge	<ul style="list-style-type: none"> • Civil/petition • Felony • Misdemeanor • Other
22. Incident Offense	Drug court eligible offense type	<ul style="list-style-type: none"> • New criminal offense • New petition • Parole violation new criminal offense • Parole violation technical • Probation violation new criminal offense • Probation violation technical
23. Offense Date	Date that the drug court eligible offense occurred	<ul style="list-style-type: none"> • mm/dd/yyyy
24. Drug Court Approach	Approach to sentencing that the drug court takes	<ul style="list-style-type: none"> • Deferred/delayed sentence • Postsentence
25. Prior Convictions	Any prior convictions the candidate had previous to screening	<ul style="list-style-type: none"> • Yes • No <ul style="list-style-type: none"> ◦ If yes, how many felonies and misdemeanors
26. Prior Substance Abuse	Candidate's self-reported prior substance abuse	<ul style="list-style-type: none"> • Yes • No
27. Prior Substance Abuse Treatment	Has the candidate received substance abuse treatment before?	<ul style="list-style-type: none"> • Yes • No
28. Drug of Choice	Candidate's self-reported primary drug	<ul style="list-style-type: none"> • Alcohol • Amphetamines • Barbiturates • Benzodiazepine • Club drugs • Cocaine • Hallucinogens • Heroin • Inhalants • Marijuana • Methamphetamines • Opiates(other) • Poly drug • Sedative/hypnotic • Other (explain)
29. IV Drug User	Candidate's current use of IV drugs	<ul style="list-style-type: none"> • Currently IV drug user • Not currently IV drug user
30. History of IV Drug Use	Candidate's history of IV drug use	<ul style="list-style-type: none"> • No history of IV drug use • History of IV drug use

VARIABLE	DESCRIPTION	VALID VALUES
31. Primary DSM-IV Code	Primary DSM-IV code as provided by a clinician during screening	290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 332, 333, 347, 607, 608, 625, 780, 787, 799, 995, v15, v61, v62, v65, v71, and more specific information if available
32. ASAM Placement Criteria	American Society of Addiction Medicine level of care	<ul style="list-style-type: none"> • Level 0.5 Early intervention • Level I Outpatient • Level II Intensive outpatient/partial hospitalization • Level III Residential/inpatient • Level IV Medically managed intensive inpatient
33. Recommended Treatment Modality/Service	Substance abuse treatment modality recommended	<ul style="list-style-type: none"> • S.A. outpatient detox • S.A. subacute detox • S.A. residential • S.A. intensive inpatient • S.A. outpatient • S.A. early intervention/education • Mental health • Other residential • Other outpatient
34. Age Began Using Drugs	Self-reported age of first drug use	<ul style="list-style-type: none"> • Numeric
35. Age Began Using Alcohol	Self-reported age of first alcohol use	<ul style="list-style-type: none"> • Numeric
36. Current Substance Abuse Treatment	Is the candidate currently in a SA treatment program?	<ul style="list-style-type: none"> • Yes • No
37. Current Medications	Medications candidate was taking at screening	<ul style="list-style-type: none"> • None • Physical and psychological • Physical • Psychological
38. History of Mental Health Condition(s)	History of mental illness(es)	<ul style="list-style-type: none"> • Yes • No

VARIABLE	DESCRIPTION	VALID VALUES
39. Highest Education Level Completed	Highest level of education completed at screening	<ul style="list-style-type: none"> • ≤11th grade • GED • High school graduate • Some trade school • Trade school • Some college • College graduate 2 year program • College graduate 4 year program • Some postgraduate • Advanced degree
40. Employment History	Employment at screening	<ul style="list-style-type: none"> • Unemployed • Employed part-time (less than 35 hours) • Employed full-time (35 hours or more) • Not in labor force (student, home maker, retired, etc.)
41. Number of Times Moved in the Last Three Years	Number of times candidate reports moving in last three years	<ul style="list-style-type: none"> • Numeric
42. Length of Time at Current Address	Time candidate has lived at current address	<ul style="list-style-type: none"> • Months and years
If Accepted into Drug Court		
VARIABLE	DESCRIPTION	VALID VALUES
43. Date Accepted	Date the candidate was accepted to drug court	<ul style="list-style-type: none"> • mm/dd/yyyy
44. Judge	Name of judge candidate will see	<ul style="list-style-type: none"> • Alpha
45. Case Manager	Name of case manager candidate will see	<ul style="list-style-type: none"> • Alpha
46. Jail Status of Defendant	Was the defendant in jail when accepted into drug court?	<ul style="list-style-type: none"> • Yes • No <ul style="list-style-type: none"> ○ If yes, include admission date and end date
If Rejected From Drug Court		
47. Date Rejected	Date the candidate was rejected from drug court	<ul style="list-style-type: none"> • mm/dd/yyyy

48. Rejection Reason	Reason for candidate's rejection from drug court	<ul style="list-style-type: none"> • Program at capacity • Prosecuting attorney • Statutory ineligibility • Pending another case • Unable to locate • No SA diagnosis • Refusal • Mental health issue • Medical issues • History of violent offenses • Geographic/transportation issues • Judicial denial • Other • Eligible but randomized • Death • Nontarget population
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Questions about this data set can be directed to Jessica Parks, Specialty Courts Management Analyst (517-373-6285 or parksj@courts.mi.gov).

Set 2: Case Management

Minimum Standard Data Set for participants accepted into drug court.

VARIABLE	DESCRIPTION	VALID VALUES
1. SID (if available)	State ID # from MSP	<ul style="list-style-type: none"> Alpha Numeric 1234567A
1. Third Party Stable Contact for Participant	Identify an emergency contact for the participant	<ul style="list-style-type: none"> Name, address, phone number, and relationship to participant
2. Arrest Date	Date participant was arrested on the drug court eligible charge	<ul style="list-style-type: none"> mm/dd/yyyy
3. Drug Court Entry Date	Date participant entered drug court	<ul style="list-style-type: none"> mm/dd/yyyy
4. Sentencing Date	Date participant was sentenced on the drug court eligible charge	<ul style="list-style-type: none"> mm/dd/yyyy
5. Sentencing Guidelines	Time range assigned to the drug court eligible charge	<ul style="list-style-type: none"> Days or months
6. Prior Record Variable Score	Participant's prior record variable score (PRV) obtained from Dept. of Corrections	<ul style="list-style-type: none"> Numeric
7. Drug Test Frequency	Dates of drug tests – will be used by SCAO to calculate frequency	<ul style="list-style-type: none"> mm/dd/yyyy
8. Drug Test Results	Indicate whether each drug test given was positive or negative	<ul style="list-style-type: none"> Positive Negative
9. Phase Progression or Demotion	Indicate dates participant progressed or was demoted through phases – will be used by SCAO to determine number of days/phase	<ul style="list-style-type: none"> mm/dd/yyyy
10. Sanction Date	Date participant received a sanction	<ul style="list-style-type: none"> mm/dd/yyyy

VARIABLE	DESCRIPTION	VALID VALUES
11. Sanction Type	Type of sanction the participant received	<ul style="list-style-type: none"> • 3/4 Housing • Alcohol testing increased • Community service • Court appearances increased • Curfew imposed • Detention • Drug testing increased • Jail • Job club until employed • Letter of apology • MADD impact panel • Probation reporting increased • Removal of driving privileges • Removal of social function privileges • Residential facility • Self-help sessions increased • Tether-all types • Tether or home detention • Verbal warning • Weekend program • Writing assignment/essay • Other <ul style="list-style-type: none"> ○ If jail is given, state date in and date out
12. Sanction Reason	Reason the participant received a sanction	<ul style="list-style-type: none"> • Alpha
13. Incentive Date	Date participant received an incentive	<ul style="list-style-type: none"> • mm/dd/yyyy
14. Incentive Type	Type of incentive the participant received	<ul style="list-style-type: none"> • Applause • Books • Court appearances decreased • Court appearances ended • Curfew extension • Drug testing decreased • Entry into gift drawing • Gift certificate • Graduate early • Individualized awards • Judicial praise • Permission to travel granted • Phase advancement • Probation reporting reduced • Probation reporting ended • Other
15. Incentive Reason	Reason the participant received an incentive	<ul style="list-style-type: none"> • Alpha
16. Treatment provider	Name of treatment provider	<ul style="list-style-type: none"> • Alpha

17. Treatment Admit Date for Each Episode	Date the participant was admitted to a treatment modality	<ul style="list-style-type: none"> mm/dd/yyyy
VARIABLE	DESCRIPTION	VALID VALUES
18. Treatment Discharge Date for Each Episode	Date the participant was discharged from a treatment modality	<ul style="list-style-type: none"> mm/dd/yyyy
19. Number of Sessions/units of Treatment	Number of sessions a participant received in a treatment modality	<ul style="list-style-type: none"> Numeric
20. Number of 12-step Program Meetings Attended	Number of 12-step meetings the participant attended during treatment	<ul style="list-style-type: none"> Numeric
21. Treatment Discharge Reason	Reason the participant was discharged from a treatment modality	<ul style="list-style-type: none"> Successfully completed Not completed/unsuccessful Death Other
22. Treatment Modality/Service Category	Type of treatment modality the participant received	<ul style="list-style-type: none"> S.A. Outpatient detox S.A. Subacute detox S.A. Residential S.A. Intensive outpatient S.A. Outpatient S.A. Early intervention/education Mental health Other residential Other outpatient
23. Number of Drug Court Reviews	Number of drug court reviews the participant had	<ul style="list-style-type: none"> Numeric
24. Program Discharge Date	Date the participant was discharged from drug court	<ul style="list-style-type: none"> mm/dd/yyyy
25. Program Discharge Reason	Reason the participant was discharged from drug court	<ul style="list-style-type: none"> Successfully completed Unsuccessful/new offense Unsuccessful/noncompliant Unsuccessful/Absconded Voluntarily withdrew Transfer to another jurisdiction Death Other
26. Sentence/Disposition at Discharge	Participant's sentence or disposition upon discharge from program	<ul style="list-style-type: none"> Jail = days Probation = months Prison = months
27. Supervision Status at Discharge	Participant's level of supervision upon discharge from program	<ul style="list-style-type: none"> Completed probation Continued probation Not applicable

VARIABLE	DESCRIPTION	VALID VALUES
28. Education at Discharge	Educational level achieved by participant at discharge	<ul style="list-style-type: none"> • ≤ 11th grade • GED • High school graduate • Some trade school • Trade school graduate • Some college • College grad 2 Yr program • College grad 4 Yr program • Some postgraduate • Advanced degree
29. Positive Change in Education	Subjective decision by case manager	<ul style="list-style-type: none"> • Yes • No
30. Employment at Discharge	Employment status of participant at discharge	<ul style="list-style-type: none"> • Unemployed • Employed part-time < 35 hours • Employed full-time ≥ 35 hours • Not in labor force (student, home maker, retired, etc.)
31. Positive Change in Employment	Subjective decision by case manager	<ul style="list-style-type: none"> • Yes • No
32. Custody Status at Discharge	Identify the type of child custody the participant had at discharge.	<ul style="list-style-type: none"> • Temporarily lost custody • Regained custody • Parental rights terminated • Never lost custody • N/A
33. Drug Court Case Outcome at Discharge	Legal case disposition	<ul style="list-style-type: none"> • Case dismissed • Charge reduced • Charge & sentence reduced • No change in charge or sentence • Sentence reduced • Not applicable • Other
34. Number of Bench Warrants	Number of bench warrants participant received during program	<ul style="list-style-type: none"> • Numeric
35. In-program New Arrest-Date of Offense	Date of new offense that occurred during program participation	<ul style="list-style-type: none"> • mm/dd/yyyy
36. In-program New Arrest-Date of Arrest	Date of new arrest that occurred during program participation	<ul style="list-style-type: none"> • mm/dd/yyyy

VARIABLE	DESCRIPTION	VALID VALUES
37. In-program New Arrest- Offense Category	Offense category of new offense that occurred during program participation	<ul style="list-style-type: none"> • B&E/home invasion • C.S. manufacture/distribution • C.S. use/possession • DUI alcohol 1st • DUI alcohol 2nd • DUI alcohol 3rd • Neglect and abuse-civil • Neglect and abuse-criminal • Nonviolent sex offense • Other drug offense • Other criminal traffic offense • Property offense • Other
38. In-program New Arrest - Charge Type	Charge type of new offense that occurred during program participation	<ul style="list-style-type: none"> • Felony • Misdemeanor • Civil/petition • Other
39. In-program New Conviction- Date of Conviction	Date of new conviction that occurred during program participation	<ul style="list-style-type: none"> • mm/dd/yyyy
40. In-program New Conviction- Offense Category	Offense category of new conviction that occurred during program participation	<ul style="list-style-type: none"> • B&E/home invasion • C.S. manufacture/distribution • C.S. use/possession • DUI alcohol 1st • DUI alcohol 2nd • DUI alcohol 3rd • Neglect and abuse-civil • Neglect and abuse-criminal • Nonviolent sex offense • Other drug offense • Other criminal traffic offense • Property offense • Other
41. In-program New Conviction - Charge Type	Charge type of new conviction that occurred during program participation	<ul style="list-style-type: none"> • Felony • Misdemeanor • Civil/petition • Other
42. In-program New Conviction - Sentence Type	Sentence type of new conviction that occurred during program participation	<ul style="list-style-type: none"> • Jail • Probation • Split Jail/Probation • Prison • Other
43. In-program New Conviction - Length of Sentence	Length of sentence associated with new conviction that occurred during program participation	<ul style="list-style-type: none"> • Jail = days • Probation = months • Prison = months

VARIABLE	DESCRIPTION	VALID VALUES
44. Total Number of Jail Days Spent While in Drug Court Program	Count any jail time associated with the drug court eligible charge, including time served from arrest until release to drug court, drug court jail sanctions, and time for any new offenses	<ul style="list-style-type: none"> Numeric
45. Recidivism New Arrest Postprogram - Date of Arrest	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> mm/dd/yyyy
46. Recidivism New Arrest Postprogram - Offense Category	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> B&E/home invasion C.S. manufacture/distribution C.S. use/possession DUI alcohol 1st DUI alcohol 2nd DUI alcohol 3rd Neglect and abuse-civil Neglect and abuse-criminal Nonviolent sex offense Other drug offense Other criminal traffic offense Property offense Other
47. Recidivism New Arrest Postprogram - Charge Type	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> Felony Misdemeanor Civil/petition Other
48. Recidivism New Conviction Postprogram – Date of Conviction	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> mm/dd/yyyy
49. Recidivism New Conviction Postprogram - Offense Category	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> B&E/home invasion C.S. manufacture/distribution C.S. use/possession DUI alcohol 1st DUI alcohol 2nd DUI alcohol 3rd Neglect and abuse-civil Neglect and abuse-criminal Nonviolent sex offense Other drug offense Other criminal traffic offense Property offense Other
50. Recidivism New Conviction Postprogram - Charge Type	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> Felony Misdemeanor Civil/petition Other

VARIABLE	DESCRIPTION	VALID VALUES
51. Recidivism Postprogram Sentence Type	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> • Jail • Probation • Split jail/probation • Prison • Other
52. Recidivism Postprogram Length of Sentence	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> • Jail = days • Probation = months • Prison = months
53. Current Sobriety Status Postprogram	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> • If relapse, give date mm/dd/yyyy
54. Current Employment Status Postprogram	Calculated at 6 months, 1 year, 2 years, and 3 years	<ul style="list-style-type: none"> • Unemployed • Employed part-time < 35 hours • Employed full-time ≥ 35 hours • Not in labor force (student, home maker, retired, etc.)
55. Current Employment Status Postprogram Improvement	Since leaving drug court, has employment status improved?	<ul style="list-style-type: none"> • Yes • No
56. Current Employment Status Postprogram - Date	Date of change in employment status postprogram	<ul style="list-style-type: none"> • mm/dd/yyyy

Questions about this data set can be directed to Jessica Parks, Specialty Courts Management Analyst (517-373-6285 or parksj@courts.mi.gov).

APPENDIX D

Adult Drug Treatment Court Model LAO

State Court Administrative Office
Model Local Administrative Order 29 - Plan for the Establishment of a Drug Treatment Court Program
(rev. 09/08)

[LOCAL COURT LETTERHEAD]

Administrative Order [year] - [number]

ORDER FOR THE ESTABLISHMENT OF A DRUG TREATMENT COURT

IT IS ORDERED:

This administrative order is issued in accordance with MCL 600.1060 et seq. The purpose of this order is to establish a drug treatment court in [insert court number and court type] upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the 10 Key Components of drug treatment courts promulgated by the National Association of Drug Court Professionals (see attachment A) as required by MCL 600.1060(c).

1. The court has entered into a Memorandum of Understanding with each participating county prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, a representative of community treatment providers, and other key parties pursuant to MCL 600.1062. The Memorandum of Understanding shall describe the role of each party. The Memorandum of Understanding is attached.
2. The court has established eligibility criteria consistent with MCL 600.1064 and 600.1068.
3. In compliance with MCL 600.1064(3), no participant shall be admitted until a complete preadmission screening and substance abuse assessment are completed.
4. All participants shall sign a voluntary written consent to participate in the program in conformance with MCL 600.1068(1)d.
5. The court shall maintain case files in compliance with Trial Court General Schedule 16, the Michigan Case File Management Standards, and Part 2

of Title 42 of the Code of Federal Regulations to assure confidentiality of drug treatment court records.

6. The court has established, as part of its program requirements, procedures to assure compliance with MCL 600.1072 and 600.1074.
7. Pursuant to MCL 600.1078, the court shall provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the drug treatment court program.
8. The court shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO while receiving grant money from the SCAO.
9. The court acknowledges that case disposition information regarding drug treatment court participation is unavailable from the Department of State driving record and criminal history record, and failure to use the DCCMIS will result in the absence of a complete record of drug treatment court participation in Michigan courts.
10. The court acknowledges that it has completed the federal Drug Court Planning Initiative (DCPI) training sponsored by the Bureau of Justice Assistance (BJA), in compliance with MCL 600.1062(3).

Effective Date: _____

Date: _____ Chief Judge Signature: _____

ATTACHMENT A

The 10 Key Components of Drug Treatment Courts

as Promulgated by the National Association of Drug Court Professionals

Key Component #1: Drug courts integrate alcohol and other drug treatment services with justice system case processing.

Key Component #2: Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component #3: Eligible participants are identified early and promptly placed in the drug court program.

Key Component #4: Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing.

Key Component #6: A coordinated strategy governs drug court responses to participants' compliance.

Key Component #7: Ongoing judicial interaction with each drug court participant is essential.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Key Component #10: Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

Driving While Impaired (DWI) Treatment Court Model LAO

State Court Administrative Office
Model Local Administrative Order 29a - Plan for the Establishment of a
Driving While Impaired Treatment Court Program
(rev. 05/09)

[LOCAL COURT LETTERHEAD]

Administrative Order [year] - [number]

ORDER FOR THE ESTABLISHMENT OF A DRIVING WHILE IMPAIRED TREATMENT COURT

IT IS ORDERED:

This administrative order is issued in accordance with MCL 600.1060 et seq. The purpose of this order is to establish a driving while impaired treatment court in [insert court number and court type] upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the 10 Guiding Principles for DWI Courts promulgated by the National Drug Court Institute, a division of the National Association of Drug Court Professionals (see attachment A).

1. The court has entered into a Memorandum of Understanding with each participating county prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, a representative of community treatment providers, and other key parties pursuant to MCL 600.1062. The Memorandum of Understanding shall describe the role of each party. The Memorandum of Understanding is attached.
2. The court has established eligibility criteria consistent with MCL 600.1064 and 600.1068.
3. In compliance with MCL 600.1064(3), no participant shall be admitted until a complete preadmission screening and substance abuse assessment are completed.
4. All participants shall sign a voluntary written consent to participate in the program in conformance with MCL 600.1068(1)d.
5. The court shall maintain case files in compliance with Trial Court General Schedule 16, the Michigan Case File Management Standards, and Part 2 of Title 42 of the Code of Federal Regulations to assure confidentiality of DWI court records.

6. The court has established, as part of its program requirements, procedures to assure compliance with MCL 600.1072 and 600.1074.
7. Pursuant to MCL 600.1078, the court shall provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the DWI court program.
8. The court shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO while receiving grant money from the SCAO.
9. The court acknowledges that case disposition information regarding DWI court participation is unavailable from the Department of State driving record and criminal history record, and failure to use the DCCMIS will result in the absence of a complete record of drug treatment court participation in Michigan courts.
10. The court acknowledges that it has completed the federal Drug Court Planning Initiative (DCPI) training sponsored by the Bureau of Justice Assistance (BJA), in compliance with MCL 600.1062(3).

Effective Date: _____

Date: _____ Chief Judge Signature: _____

ATTACHMENT A

The 10 Guiding Principles of DWI Courts

Guiding Principle #1 – Target the Population

Guiding Principle #2 – Perform a Clinical Assessment

Guiding Principle #3 – Develop the Treatment Plan

Guiding Principle #4 – Supervise the Offender

Guiding Principle #5 – Forge Agency, Organization, and Community Partnerships

Guiding Principle #6 – Take a Judicial Leadership Role

Guiding Principle #7 – Develop Case Management Strategies

Guiding Principle #8 – Address Transportation Issues

Guiding Principle #9 – Evaluate the Program

Guiding Principle #10 – Create a Sustainable Program

Juvenile Drug Treatment Court Model LAO

State Court Administrative Office
Model Local Administrative Order 29b - Plan for the Establishment of a
Juvenile Drug Treatment Court Program
(rev. 05/09)

[LOCAL COURT LETTERHEAD]

Administrative Order [year] - [number]

ORDER FOR THE ESTABLISHMENT OF A JUVENILE DRUG TREATMENT COURT

IT IS ORDERED:

This administrative order is issued in accordance with MCL 600.1060 et seq. The purpose of this order is to establish a juvenile drug treatment court in [insert court number and court type] upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the 16 Strategies of Juvenile Drug Courts promulgated by the National Drug Court Institute and the National Council of Juvenile and Family Court Judges (see attachment A).

1. The court has entered into a Memorandum of Understanding with each participating county prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, a representative of community treatment providers, and other key parties pursuant to MCL 600.1062. The Memorandum of Understanding shall describe the role of each party. The Memorandum of Understanding is attached.
2. The court has established eligibility criteria consistent with MCL 600.1064 and 600.1068.
3. In compliance with MCL 600.1064(3), no participant shall be admitted until a complete preadmission screening and substance abuse assessment are completed.
4. All participants shall sign a voluntary written consent to participate in the program in conformance with MCL 600.1068(1)d.
5. The court shall maintain case files in compliance with Trial Court General Schedule 16, the Michigan Case File Management Standards, and Part 2 of Title 42 of the Code of Federal Regulations to assure confidentiality of juvenile drug treatment court records.

6. The court has established, as part of its program requirements, procedures to assure compliance with MCL 600.1072 and 600.1074.
7. Pursuant to MCL 600.1078, the court shall provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the juvenile drug treatment court program.
8. The court shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO while receiving grant money from the SCAO.
9. The court acknowledges that it has completed the federal Drug Court Planning Initiative (DCPI) training sponsored by the Bureau of Justice Assistance (BJA), in compliance with MCL 600.1062(3).

Effective Date: _____

Date: _____ Chief Judge Signature: _____

ATTACHMENT A

The 16 Strategies of Juvenile Drug Treatment Courts

- 1) **Collaborative Planning:** Engage all stakeholders in creating an interdisciplinary, coordinated, and systemic approach to working with youth and their families.
- 2) **Teamwork:** Develop and maintain an interdisciplinary, nonadversarial work team.
- 3) **Clearly Defined Target Population and Eligibility Criteria:** Define a target population and eligibility criteria that are aligned with the program's goals and objectives.
- 4) **Judicial Involvement and Supervision:** Schedule frequent judicial reviews and be sensitive to the effect that court proceedings can have on youth and their families.
- 5) **Monitoring and Evaluation:** Establish a system for program monitoring and evaluation to maintain quality of service, assess program impact, and contribute to knowledge in the field.
- 6) **Community Partnerships:** Build partnerships with community organizations to expand the range of opportunities available to youth and their families.
- 7) **Comprehensive Treatment Planning:** Tailor interventions to the complex and varied needs of youth and their families.
- 8) **Developmentally Appropriate Services:** Tailor treatment to the developmental needs of adolescents.
- 9) **Gender-Appropriate Services:** Design treatment to address the unique needs of each gender.
- 10) **Cultural Competence:** Create policies and procedures that are responsive to cultural differences and train personnel to be culturally competent.
- 11) **Focus on Strengths:** Maintain a focus on the strengths of youth and their families during program planning and in every interaction between the court and those it serves.
- 12) **Family Engagement:** Recognize and engage the family as a valued partner in all components of the program.
- 13) **Educational Linkages:** Coordinate with the school system to ensure that each participant enrolls in and attends an educational program that is appropriate to his or her needs.

- 14) **Drug Testing:** Design drug testing to be frequent, random, and observed.
Document testing policies and procedures in writing.
- 15) **Goal-Oriented Incentives and Sanctions:** Respond to compliance and noncompliance with incentives and sanctions that are designed to reinforce or modify the behavior of youth and their families.
- 16) **Confidentiality:** Establish a confidentiality policy and procedures that guard the privacy of the youth while allowing the drug court team to access key information.

Family Dependency Treatment Court Model LAO

State Court Administrative Office
Model Local Administrative Order 29c - Plan for the Establishment of a
Family Dependency Treatment Court Program
(rev. 05/09)

[LOCAL COURT LETTERHEAD]

Administrative Order [year] - [number]

ORDER FOR THE ESTABLISHMENT OF A FAMILY DEPENDENCY TREATMENT COURT

IT IS ORDERED:

This administrative order is issued in accordance with MCL 600.1060 et seq. The purpose of this order is to establish a family dependency treatment court in [insert court number and court type] upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the 10 Key Components of drug treatment courts promulgated by the National Association of Drug Court Professionals (see attachment A) as required by MCL 600.1060(c).

1. The court has entered into a Memorandum of Understanding with each participating county prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, a representative of community treatment providers, and other key parties pursuant to MCL 600.1062. The Memorandum of Understanding shall describe the role of each party. The Memorandum of Understanding is attached.
2. The court has established eligibility criteria consistent with MCL 600.1064 and 600.1068.
3. In compliance with MCL 600.1064(3), no participant shall be admitted until a complete preadmission screening and substance abuse assessment are completed.
4. All participants shall sign a voluntary written consent to participate in the program in conformance with MCL 600.1068(1)d.
5. The court shall maintain case files in compliance with Trial Court General Schedule 16, the Michigan Case File Management Standards, and Part 2 of Title 42 of the Code of Federal Regulations to assure confidentiality of family dependency treatment court records.

6. The court has established, as part of its program requirements, procedures to assure compliance with MCL 600.1072 and 600.1074.
7. Pursuant to MCL 600.1078, the court shall provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the family dependency treatment court program.
8. The court shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO while receiving grant money from the SCAO.
9. The court acknowledges that it has completed the federal Drug Court Planning Initiative (DCPI) training sponsored by the Bureau of Justice Assistance (BJA), in compliance with MCL 600.1062(3).

Effective Date: _____

Date: _____ Chief Judge Signature: _____

ATTACHMENT A

The 10 Key Components of Drug Treatment Courts

as Promulgated by the National Association of Drug Court Professionals

Key Component #1: Drug courts integrate alcohol and other drug treatment services with justice system case processing.

Key Component #2: Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component #3: Eligible participants are identified early and promptly placed in the drug court program.

Key Component #4: Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing.

Key Component #6: A coordinated strategy governs drug court responses to participants' compliance.

Key Component #7: Ongoing judicial interaction with each drug court participant is essential.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Key Component #10: Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

APPENDIX E

The following is a summary of information available in *Quality Improvement for Drug Courts: Evidence-Based Practices Monograph Series 9* (2008). This is a NDCI publication that can be viewed at <http://www.ndci.org/sites/default/files/ndci/Mono9.QualityImprovement.pdf>

Screening for Drug Use Severity - Instruments that accurately identify offenders who are drug-dependent.

- Alcohol Dependence Scale/Addiction Severity Index Drug Use section (McLellan et al., 1992; Ross, Gavin, & Sinner, 1990; Skinner & Horn, 1984)
- Simple Screening Instrument (Center for Substance Abuse Treatment, 1994)
- TCU Drug Screen II (Knight, Simpson, & Hiller, 2002).

Co-occurring Disorders - The following combination of evidence-based instruments is recommended for *screening* of co-occurring disorders in drug courts (Peters, Bartoi, & Sherman, 2008):

- A. Either the Global Appraisal of Individual Needs (GAIN-SS) **or** the Mental Health Screening Form-III (MHSF-III) to address mental health symptoms,
and
- B. Either the Simple Screening Instrument (SSI), the Texas Christian University Drug Screen-II (TCUDS-II), **or** a combination of the Alcohol Dependence Scale (ADS) **and** the Addiction Severity Index (ASI) – Drug Use section to address substance abuse symptoms.

Motivation for Treatment

- The Treatment Needs/Motivation scales found within the TCU Criminal Justice Client Evaluation of Self and Treatment (CJ CEST) is one example of a freely available, evidence-based tool that can be used effectively to assess an offender's readiness for the drug court (Garner, Knight, Flynn, Morey & Simpson, in press).
- Other free screening instruments for motivation worth considering include the Circumstances, Motivation, and Readiness (CMR) scales (De Leon, 1993) and the URICA (Prochaska & DiClemente, 1983).

Criminal Thinking Patterns

The TCU Criminal Thinking Scales (Knight, Garner, Simpson, Morey, & Flynn, 2006) is a free instrument that examines entitlement, justification, power orientation, cold heartedness, criminal rationalization, and personal irresponsibility.

RESOURCES

- Alcohol Dependence Scale: www.camh.net
- Addiction Severity Index Drug Use section: www.tresearch.org
- Circumstances, Motivation, and Readiness (CMR) scales: www.ndri.org
- CSAT TIPs 7, 11, and 44: www.treatment.org/Externals/tips.html
- *Guide for Drug Courts on Screening and Assessment*: www.ncjrs.gov/pdffiles1/bja/171143.pdf
- Texas Christian University, Institute of Behavioral Research: www.ibr.tcu.edu
- Simple Screening Instrument: ncadi.samhsa.gov
- URICA: www.uri.edu/research/cprc/

REFERENCES

- CSAT (Center for Substance Abuse Treatment), Substance Abuse and Mental Health Services Administration (1994). *Screening and assessment for alcohol and other drug abuse among adults in the criminal justice system* (Treatment improvement protocol (TIP) Series 7). Rockville, MD: U.S. Department of Health and Human Services.
- CSAT (Center for Substance Abuse Treatment), Substance Abuse and Mental Health Services Administration (1994). *Simple screening instruments for outreach for alcohol and other drug abuse and infectious diseases* (Treatment improvement protocol (TIP) Series 11). Rockville, MD: U.S. Department of Health and Human Services.
- De Leon, G. (1993). *Circumstances, motivation, and readiness (CMR) scales for substance abuse treatment*. New York: National Development and Research Institutes, Inc.
- Garner, B. R., Knight, K., Flynn, P. M., Morey, J. T., & Simpson, D. D. (2007). Measuring offender attributes and engagement in treatment using the Client Evaluation of Self and Treatment. *Criminal Justice and Behavior*, 34(9), 1113-1130.
- Knight, K., Garner, B. R., Simpson, D. D., Morey, J. T., & Flynn, P. M. (2006). An assessment for criminal thinking. *Crime and Delinquency*, 52(1), 159-177.
- Knight, K., Simpson, D. D., & Hiller, M. L. (2002). Screening and referral for substance-abuse treatment in the criminal justice system. In C. G. Leukefeld, F. M. Tims, & D. Farabee (Eds.), *Treatment of drug offenders: Policies and issues* (pp. 259-272). New York: Springer.
- McLellan A.T., Kushner H., Metzger D., Peters R., Smith I., Grissom G., et al. (1992). The fifth edition of the Addiction Severity Index. *Journal of Substance Abuse Treatment*, 9, 199-213.

Peters, R. H., Bartoi, M. G., & Sherman, P. B. (2008). *Screening and assessment of co-occurring disorders in the justice system*. Delmar NY: The National GAINS Center.

Prochaska, J. O. & DiClemente, C. C. (1983). Stages and processes of self-change of smoking: Toward an integrative model of change. *Journal of Consulting and Clinical Psychology*, 51, 390-395.

Ross, H. E., Gavin, D. R., & Skinner, H. A. (1990). Diagnostic validity of the MAST and the alcohol dependence scale in the assessment of DSM-III alcohol disorders. *Journal of Studies on Alcohol*, 51, 506-513.

APPENDIX F

Assessment Instruments to Consider

ADAD – Adolescent Drug Abuse Diagnosis
ASI – Addiction Severity Index
ASI-Lite – Short version of Addiction Severity Index
BSAP – Behavioral Severity Assessment Program
GAINS – Global Appraisal of Individual Needs
JASAE – Juvenile Automated Substance Abuse Evaluation
NEEDS – Comprehensive Adult Assessment Tool
SALCE – Substance Abuse/Life Circumstances Evaluation
SASSI – Substance Abuse Subtle Screening Inventory

The following combination of evidence-based instruments is recommended for *assessment* of co-occurring disorders in drug courts (Peters, Bartoi, & Sherman, 2008)⁷:

A. Either the Psychiatric Research Interview for Substance and Mental Disorders (PRISM),

or

B. A combination of either the Minnesota Multiphasic Personality Inventory-2 (MMPI-2), the Millon Clinical Multiaxial Inventory-III (MCMI-III), or the Personality Assessment Inventory (PAI) to examine mental disorders,

and

The Addiction Severity Index (ASI) to examine substance use disorders.

⁷ Peters, R. H., Bartoi, M. G., & Sherman, P. B. (2008). *Screening and assessment of co-occurring disorders in the justice system*. Delmar NY: The National GAINS Center.

APPENDIX G

*People of the State of Michigan vs. _____

1. I am not participating in any other drug court program and have not previously participated in a drug treatment court program.
2. I do not meet the criteria for “violent offender” as described by 2004 PA 224.
3. I give up my right to a preliminary examination on the charges against me in this court, if I am charged with a felony.
4. I give up my right to be sentenced within a year of any plea.
5. I am represented by an attorney and understand the benefits and risks of the drug court program. I have talked to my attorney about entering drug court and the defense to the charges against me.
6. I agree that my attorney will not be present at any drug court proceedings.
7. I understand that any statements made by me about the charges in this case to drug court staff or during drug court treatment will not be used against me in any later court proceedings.
8. I admit to being dependent upon drugs or alcohol or to abusing drugs or alcohol.
9. I have completed a pre-admission screening and evaluation assessment with the drug court staff and agree to cooperate with any future evaluation assessment as directed by the drug court.
10. I understand if I do not complete the drug court program, I will be sentenced on the charges I plead guilty to.
11. I understand that in the drug court program I must follow all the rules of the program and if I do not, I may go to jail or be punished by the judge or be dismissed from the program.
12. I understand that the prosecutor may withdraw my referral to the drug court program at any time upon discovery of information that would have made me ineligible for referral to the program.
13. I understand that if I am sentenced, I may be sentenced by the drug court judge and not by the judge who accepted my guilty plea.
14. I understand that if I successfully complete the drug court program any incentives promised from my successful participant will be fulfilled.
15. I agree to maintain the confidentiality of other drug court participants.
16. I have received a copy of this paper.

I have discussed items 1 through 15 with my attorney and agree to the terms and conditions stated:

Defendant’s signature

Date

I have discussed the waive of rights with the above named defendant:

Attorney’s signature

Date

*Adapted from 46th Circuit Court Drug Court Program

APPENDIX H

Sample waiver form for a drug court *

CONSENT FOR DISCLOSURE OF CONFIDENTIAL SUBSTANCE ABUSE INFORMATION: DRUG COURT REFERRAL

I, _____, hereby consent to communication between
(name of defendant) _____, and Judge
_____, (name of treatment program) (name of presiding judge,
drug court judge) _____
(prosecuting attorney, assistant prosecuting attorney, public defender, assistant public defender, or defense
counsel) the probation department of _____ and _____.
(name of jurisdiction) (name(s) of other referring agency)

The purpose of, and need for, this disclosure is to inform the court and all other named parties of my eligibility and/or acceptability for substance abuse treatment services and my treatment attendance, prognosis, compliance, and progress in accordance with the drug court program's monitoring criteria.

Disclosure of this confidential information may be made only as necessary for, and pertinent to, hearings and/or reports concerning _____.
(list charges, docket number and indictment number)

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the drug court program for the above-referenced case, such as the discontinuation of all court
_____ supervision upon my successful completion
(and/or, where relevant, probation) of the drug court requirements OR upon sentencing for violating the terms of my drug court involvement _____.
(and/or, where relevant, probation)

I understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations, which governs the confidentiality of substance abuse patient records and that recipients of this information may redisclose it only in connection with their official duties.

Date

Name

Signature

Signature of defense counsel

Signature of interpreter (where applicable)

Signature of parent or guardian (where applicable)

*Adapted from a sample provided by S. Rebecca Holland, Legal Director, The Osborne Association, Brooklyn, NY

APPENDIX I

Incentives

Applause
Books
Bus Tokens
Court Appearances Decreased
Court Appearances Ended
Curfew Extension
Drug Testing Decreased
Entry into Gift Drawing
Early Graduation
Early Dismissal from Court Review
Hearing
Gift Certificate
Individualize Reward (favorite restaurant card, children's activities, allowed to demonstrate a talent in the courtroom, art supplies, ice cream coupon, etc.)
Judge Shakes Participant's Hand
Judicial Praise
Permission to Travel
Phase Promotion
Photo Taken with Judge
Probation Reporting Decreased
Probation Reporting Ended
Recognition Poster or Chart

Sanctions

$\frac{3}{4}$ Housing
Substance Abuse Testing Increased
Community Service
Court Appearances Increased
Curfew Imposed
Curfew Reduced
Detention
Home Detention
Jail
Job Club until Employed
Letter of Apology
MADD Impact Panel
Phase Demotion
Phase Time Extended
Probation Reporting Increased
Removal of Driving Privileges
Residential Facility
Self-Help Sessions Increased
Sit in on Other Court Sessions
Tether
Verbal Warning
Weekend Program
Writing Assignment

APPENDIX J

Adult Drug Treatment Court Ten Key Components

The 10 Key Components of Drug Treatment Courts

as Promulgated by the National Association of Drug Court Professionals

Key Component #1: Drug courts integrate alcohol and other drug treatment services with justice system case processing.

Key Component #2: Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component #3: Eligible participants are identified early and promptly placed in the drug court program.

Key Component #4: Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing.

Key Component #6: A coordinated strategy governs drug court responses to participants' compliance.

Key Component #7: Ongoing judicial interaction with each drug court participant is essential.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Key Component #10: Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

Driving While Impaired (DWI) Treatment Court Ten Guiding Principles

The 10 Guiding Principles of DWI Courts

Guiding Principle #1 – Target the Population

Guiding Principle #2 – Perform a Clinical Assessment

Guiding Principle #3 – Develop the Treatment Plan

Guiding Principle #4 – Supervise the Offender

Guiding Principle #5 – Forge Agency, Organization, and Community Partnerships

Guiding Principle #6 – Take a Judicial Leadership Role

Guiding Principle #7 – Develop Case Management Strategies

Guiding Principle #8 – Address Transportation Issues

Guiding Principle #9 – Evaluate the Program

Guiding Principle #10 – Create a Sustainable Program

Juvenile Treatment Court Sixteen Strategies

The 16 Strategies of Juvenile Drug Treatment Courts

- 1) **Collaborative Planning:** Engage all stakeholders in creating an interdisciplinary, coordinated, and systemic approach to working with youth and their families.
- 2) **Teamwork:** Develop and maintain an interdisciplinary, nonadversarial work team.
- 3) **Clearly Defined Target Population and Eligibility Criteria:** Define a target population and eligibility criteria that are aligned with the program's goals and objectives.
- 4) **Judicial Involvement and Supervision:** Schedule frequent judicial reviews and be sensitive to the effect that court proceedings can have on youth and their families.
- 5) **Monitoring and Evaluation:** Establish a system for program monitoring and evaluation to maintain quality of service, assess program impact, and contribute to knowledge in the field.
- 6) **Community Partnerships:** Build partnerships with community organizations to expand the range of opportunities available to youth and their families.
- 7) **Comprehensive Treatment Planning:** Tailor interventions to the complex and varied needs of youth and their families.
- 8) **Developmentally Appropriate Services:** Tailor treatment to the developmental needs of adolescents.
- 9) **Gender-Appropriate Services:** Design treatment to address the unique needs of each gender.
- 10) **Cultural Competence:** Create policies and procedures that are responsive to cultural differences and train personnel to be culturally competent.
- 11) **Focus on Strengths:** Maintain a focus on the strengths of youth and their families during program planning and in every interaction between the court and those it serves.
- 12) **Family Engagement:** Recognize and engage the family as a valued partner in all components of the program.

- 13) **Educational Linkages:** Coordinate with the school system to ensure that each participant enrolls in and attends an educational program that is appropriate to his or her needs.
- 14) **Drug Testing:** Design drug testing to be frequent, random, and observed. Document testing policies and procedures in writing.
- 15) **Goal-Oriented Incentives and Sanctions:** Respond to compliance and noncompliance with incentives and sanctions that are designed to reinforce or modify the behavior of youth and their families.
- 16) **Confidentiality:** Establish a confidentiality policy and procedures that guard the privacy of the youth while allowing the drug court team to access key information.

Family Dependency Drug Treatment Court Ten Key Components

The 10 Key Components of Drug Treatment Courts

as Promulgated by the National Association of Drug Court Professionals

Key Component #1: Drug courts integrate alcohol and other drug treatment services with justice system case processing.

Key Component #2: Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component #3: Eligible participants are identified early and promptly placed in the drug court program.

Key Component #4: Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

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Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Key Component #10: Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

HELPFUL RESOURCES

- National Association of Drug Court Professionals
<http://www.nadcp.org>
- U.S. Dept of Justice, Office of Justice Programs
www.ojp.usdoj.gov/BJA/grant/DrugCtTA
- Center for Court Innovation
<http://www.problem-solvingcourts.org>
- American University, School of Public Affairs
<http://www.american.edu/justice>
- National Center for State Courts, Problem-Solving Justice Toolkit
http://www.ncsconline.org/D_Research/Documents/ProbSolvJustTool.pdf
- 10 Key Components of a Drug Court
<https://dccmis.micourt.org/resources/MI/10%20Key%20Components%20of%20Drug%20Courts.pdf>
- 10 Guiding Principles of a DWI Court
https://dccmis.micourt.org/resources/MI/NDCI_Guiding_Principles_of_DWI_Court.pdf
- 16 Strategies for Juvenile Drug Courts
https://dccmis.micourt.org/resources/MI/NDCI_Juv%20Drug%20Courts%2016%20Strategies.pdf
- Bureau of Justice Assistance (BJA)
<http://www.ojp.usdoj.gov/BJA/>
- Michigan Department of Community Health (MDCH)
<http://www.michigan.gov/mdch>
- Michigan Office of Drug Control Policy (ODCP)
<http://www.michigan.gov/odcp>
- Michigan Association of Substance Abuse Coordinating Agencies (MASACA)
<http://www.masaca.org/>
- Michigan Association of Drug Court Professionals (MADCP)
<http://www.madcp.org/>
- National Drug Court Institute (NDCI)
<http://www.ndci.org>